

**USAID/SPEED Project Short Term Consultancy:
Archivist/Records Manager**

Rehabilitating Records in the Land Registry: Final Report

Report written for Chemonics International, Inc.



The Missenden Group

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EXECUTIVE SUMMARY

The Government has adopted the aim of unifying the land registries for the different types of tenure used in Uganda and decentralizing the registration system by moving the records and registration functions from the capital to the district registration offices.

The USAID-funded Support for Private Enterprise Expansion and Development (SPEED) Project commissioned a consultant to analyze current conditions and practices at the Land Registries located in Kampala to determine immediate and long-range remedial options and solutions. In addition, the consultant was required to design a methodology for establishing a model district land registry. The Kampala district office will serve as the first district land registration office to undergo transformation. It will be located in Kampala City Hall and will service all land in the Kampala district regardless of the type of tenure.

A detailed study was carried out of the legal and policy environment (paras 25-38), the intellectual control systems used to manage land records in Uganda (paras 42-49) and the physical control and storage facilities of the Mailo, Freehold and Leasehold registries in Kampala, the Department of Surveying and Mapping and the Drawing Office of Kampala City Council (KCC) (paras 50-61; 84-88). Staffing capacity in the Land Registries was also taken into account (para 62-67).

The study highlighted a number of issues that are outstanding and need to be resolved to expedite the project. These include:

- Resolving how to handle records that relate to properties in Mpigi and Wakiso Districts but are currently housed at the Mailo Registry in the Ministry of Water, Lands and Environment, and taking account of any sensitivities involved in Kampala City Council taking custody of these records.
- Agreeing indexing terms for the computerized index to ensure that the right retrieval points are selected to meet users' needs and to make sure there is an appropriate 'trade off' between effort of data entry and benefit.
- Deciding whether there are sufficient benefits in making a 'preservation copy' of the Certificates of Title prior to their being distributed to the zonal or district offices. Tied to this is a decision on whether microfilming or scanning of records is desirable as a means of preserving existing records, and if so, undertaking any legal changes necessary to permit such microfilming or scanning.
- Deciding the length of time the remaining records are likely to continue under the custody of the Ministry before being transferred to district or zonal offices.
- Agreeing the location of the zonal land offices and which counties/districts will comprise a zone to allow the transfer of land registration records to new locations.
- Beginning to design the country's Land Information System, including choosing the software that will be used. This is important to ensure compatibility with systems used to retrieve and manage the land registration records.

- Agreeing precise format of Plot Identification Numbers (PINs). An early decision is essential for computerizing the indexing of land registration records.
- Deciding whether there should be a consultative process with the Bar Association, and other professional bodies and interest groups on the need to introduce regulations or even legislation to protect privacy.

It is recommended that a meeting be called of stakeholders, including the Land Sector Strategic Plan (LSSP) Task Force, the Commissioner for Land Registration, the Land Act Implementation Unit, and representatives of USAID/SPEED, to resolve these issues. The Commissioner of Land Registration should seek guidance from the National Records and Archives Institution for improving the management of its records in the long-term.

Other issues relating to the management of land records were also noted. Action on these points would improve the management of land records, but are not crucial to the success of the objective of implementing a model local land registry system. These include clarifying whether the Department of Surveying and Mapping or the Drawing Office of Kampala City Council has responsibility to maintaining a master set of maps and surveys (paras 70-88). Also, consideration should be given to whether the files kept in the land registry, under the direction of the Land Inspectorate Department, should be linked (perhaps using a computerized index) or physically reconciled with the land title records (paras 89-92). The Department of Surveying and Mapping would benefit from an in-depth review of their records and information management practices in a later phase of the SPEED project. Of more urgent concern, this Department holds old films that may be cellulose nitrate stock. This is highly unstable and inflammable and is serious fire risk. Specialist advice should be sought (para 81).

Notwithstanding the unresolved issues listed above, we believe it is possible to progress in inventorying, sorting, re-folding, and transferring records to the new Land Registration Office in Kampala, and eventually to other district and zonal offices as they become prepared to receive them. Within this context the key objectives should be:

- to improve the service to clients by providing faster and more precise retrieval of records
- to strengthen security of land tenure by improving the physical security and durability of land records
- to develop a logistical methodology for identifying and transferring the records that pertain to Kampala District to a new land title registry for Kampala City Council.

Simply producing an index to the records can make a significant impact on service delivery and efficient use of resources. Computerizing the intellectual control (i.e., the indexing system) is the most effective means of achieving this objective. It is recommended that first consideration be given to TRIM as the software for automating the database. TRIM is an off-the-shelf package that is suitable to the purposes and moreover, Kampala City Council already uses TRIM in its open registry (paras 102-113).

Improving the durability of land records can be achieved through a combination of measures designed to protect the records against fire, theft, and damage through excessive use. The measures recommended include better quality shelving, equipment and supplies, more

stringent fire protection measures and environmental controls, regular cleaning of storage areas and appropriate back-up and storage of computer files (paras 114-149).

The logistics of moving the records to the Kampala City Hall facility require careful planning and attention to detail. The most important element will be to ensure there is sufficient storage space to ensure an efficient and sustainable service. There are no reliable statistics on which to compute the volume of records, particularly Leasehold records that will transfer to Kampala City Council. Based on a best estimate, there is room for all of the Mailo records and the projected volume of Leasehold and Freehold records if a mixture of mobile and static shelving is used. This will allow some room for growth over the next few years, but no more than that (paras 122-128).

A detailed proposed work plan is provided (paras 150-179). An appropriate Ugandan official should assigned responsibility for the progress of the work. It should be noted that key factors in the success of the operation are likely to be stringent supervision of the work against performance standards and appropriate incentives. An audit train will also be important for accountability and to allow mistakes to be rectified, if they occur.

The procedures and methods of work must be tested in a pilot stage. This will allow problems to be identified and necessary adjustments made. It will also provide valuable confirmatory information on what can realistically be achieved within a given time frame, the amount of space and the quantity of supplies that will needed.

It is recommended that the SPEED Land Registry project involve the Records and Information Technology Department in the Ministry of Public Service which has a formal responsibility for this kind of work within the Ugandan governmental system and moreover has staff with appropriate skills and training.

A monitoring team should be appointed consisting of a senior land registration official, a member of the LSSP Task Force, and a member of the Records and Information Technology Department of the Ministry of Public Service, to evaluate progress weekly against agreed performance targets and milestones (paras 178-180).

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SECTION ONE: INTRODUCTION

- 1 This assessment and strategy report covers a visit made by Kimberly Barata of The Missenden Group between 9 - 30 August 2001 to support reform of the Land Registries.
- 2 A number of international consultants and Ugandan experts have assessed the Land Registry over the past twelve years.¹ For the most part, these consultants and experts reached similar conclusions, although the approaches for solving problems vary slightly. This report builds upon these efforts with the aim to develop a program of work for restructuring the records under the custody of the Department of Land Registration in the Ministry of Water, Lands and Environment.

Background

- 3 The USAID-funded Support for Private Enterprise Expansion and Development (SPEED) Project aims to increase access to financial services, create and expand agricultural and non-agricultural enterprises, and strengthen legal and regulatory frameworks for business development in the SME and microfinance sectors. Four components comprise the project:
 - SME Finance
 - Microfinance
 - Business Development Services (BDS)
 - Institutional Environment.
- 4 Supporting reform of the commercial justice system forms part of the Institutional Environment component. In this context SPEED assists the companies and land registries to improve systems and services.
- 5 The land registries supply vital information that enables micro enterprise, SMEs and other businesses to conduct their activities. Many of the records in the registries are deteriorating. Moreover, the physical infrastructure required to maintain them is in disarray and suffers from administrative atrophy. As a result, problems include:
 - lost documents and files
 - poorly functioning indexing and filing systems
 - completely manual operations

¹ Reports include: D.W. Greenwood, *The Rehabilitation of the Land Survey and Registration in Uganda* (Uganda, Government of Uganda, June 1990); Gerhard Larsson, *Rehabilitation and Development of Land Survey and Registration in Uganda: Consultancy Report* (Stockholm: Royal Institute of Technology, June 1990); Swedesurvey, *Final Draft Report: A Base for a Land Information System in Uganda* (Uganda, Government of Uganda, November 1996); Jonathan N Tibisaasa, *Rehabilitation and Development of Land Registration System in Uganda: A Report on the Study Tour of Thailand, Hong Kong, Singapore, Queensland, New South Wales, Victoria, South Australia and New Zealand* (Uganda: Ministry of Water, Land and the Environment, November 1993); Uganda Land Act Implementation Unit, *Land Sector Strategic Plan 2001 – 2011: Utilising Uganda's Land Resources for Sustainable, Pro-Poor Development* (Uganda, Ministry of Water, Land and the Environment, consultation draft May 2001).

- inadequate storage facilities and office equipment
 - severe deterioration of records
 - inordinate waiting times for retrieval of records
 - very poor protection of records from environmental factors.
- 6 Operation of the land registries is further complicated by Uganda's land tenure systems, which recognize four different types of land tenure (Freehold, Leasehold, Mailo, and Customary). The Mailo records are registered and kept in one registry and the Leasehold and Freehold records in another. Customary land tenure rights are not currently registered, although the Government intends to conduct a pilot project on registration of customary rights beginning early next year.
- 7 The Mailo and the Leasehold and Freehold registries use different types of indexing systems. The Mailo Registry is organized according to block and plot numbers and the Certificates of Title are kept in separate binders according to block and plot number. Instruments submitted for registration are assigned instrument numbers (basically in chronological order of submission) and are stored in numerical order in files of up to 100 instruments. By contrast, the Leasehold and Freehold Registries are organized according to volume and folio number. In the Leasehold and Freehold Registries the Certificates of Title and the instruments that relate to that Certificate are filed together in a folio and the folios are stored according to volume and folio number.
- 8 The Government has adopted the aim of unifying the land registries for the different types of tenure and decentralizing the registration system by moving the records and registration functions from Kampala to the district registration offices.
- 9 The purpose of this visit is to assist in the design of a methodology for unifying the registries, and reorganizing, preserving and transferring the records according to the Government's objectives. The Kampala district office, under the jurisdiction of the Kampala City Council (KCC), will serve as the first district land registration office to undergo transformation, and thus is the focus of the initial activities. It will be located in Kampala City Hall and will service all land in the Kampala district regardless of the type of tenure. Space in City Hall has been designated to house the records and all registration-related functions. The City Council has made some funding available to refurbish and equip the office. SPEED anticipates providing additional assistance as required. The Mailo, Freehold and Leasehold records relating to Kampala properties will be transferred from the Department of Registration in the Ministry of Water, Lands and the Environment to City Hall.

The Task

- 10 SPEED requested technical assistance to conduct an analysis of current conditions and practices at the Land Registries to determine immediate and long-range remedial options and solutions.

Terms of Reference

- 11 The consultant will be involved in learning the document-related policies and procedures of the three land titling registries.
- 12 The consultant will complete the following tasks:
 - become familiar with the institutional structure and current operating conditions of the land registry, including indexing, filing and tracking systems, shelf locations, storage environments, volume and condition of record, and the manner of treatment and handling of documents.
 - inspect the proposed space for the Kampala district registration office in Kampala city hall and other space available to house records that will not be moved to city hall.
 - inspect the survey and cadastral map facilities in Entebbe, and
 - research equipment and supplies that are available in Uganda locally or within the region and their price.
- 13 The consultant will prepare the following deliverables:
 - an assessment of current conditions and practices
 - a proposed design for the archives for the new Kampala District Land Office, including recommendations for climate control, file storage and security
 - recommendations regarding the methodology for transferring, cataloguing and storing records in City Hall
 - recommendations for refurbishing, designing and equipping remaining archive space in the Ministry, and methodology for transferring, cataloguing and storing records remaining in the Ministry
 - recommendations regarding the most appropriate methods for preserving records (eg scanning, microfilming or non-electronic methods), and the records that should be scanned or otherwise preserved
 - a list of commodities (with estimated costs) necessary to implement the consultant's recommendations as well as information regarding where to procure necessary furniture, equipment and supplies (with particular emphasis on trying to use items that are available on a long term basis in Uganda or regionally)
 - a work plan showing proposed timing for implementing the consultant's recommendations.

Methodology

- 14 The methodology included:
 - an examination of international consultants' and Ugandan experts' reports, legislation, and other relevant documentation

- interviews with central government officials
- visits to central government and relevant district offices, including the surveying and mapping facilities at the Department of Surveying and Mapping in Entebbe
- small scale reviews of the completeness of land title files in the Ministry of Water, Land and the Environment's Mailo, Leasehold and Freehold Registries.

(See Appendix A for summaries of meetings held.)

- 15 The data collected was analyzed, record keeping strengths and weaknesses identified and specific concerns listed. Possible strategies for the future were outlined and prioritized for both the short and longer terms.
- 16 The findings of the assessment and strategies for the future were discussed with the Commissioner for Land Registration and SPEED officials, including the legal consultant.

Limitations of Study

- 17 Despite efforts both on the part of the consultant and the staff of the land registries, the following limitations of study should be noted.
- 18 The consultant tried to establish performance benchmarks against which comparisons can be made when the new records systems are in place. These included the time needed to retrieve a specific folio if the plot number is known, and if only the name or village is known. Such benchmarks are very difficult to establish because timing can vary dramatically from case to case. In a case in which the block and plot number is known, and the file is in the appropriate place, retrieval can take less than a minute. By contrast, if the block and plot number is not known, or if the file has been misplaced, retrieval may be impossible. Due to the pressure of work on registry staff, a study including an appropriately large sampling could not be conducted.
- 19 In addition, it is not possible to determine precisely the volume of Mailo, Leasehold and Freehold records, in total and for Kampala District. The lack of indices to these records or other statistics makes this problematic. As a result a 'best guess' had to be made.²

² Statistics based on random sampling of the records in the Leasehold Registry were not reliable. Therefore, a count was made of the files belonging to Kampala City Council in the Land Registry under the direction of the Land Inspectorate Department. It was estimated that for every folio in this Registry there might be on average 3 folios in the Leasehold Registry that pertain to that plot. The volume estimated in the Mailo Registry is based on the number of Certificates of Title for land in Kampala District. It is estimated that there is an average of 4 instruments per Certificate. Random sampling was also unhelpful with regard to Leasehold records. A best guess was made by staff that half the records pertain to Kampala District.

SECTION TWO: THE LAND REGISTRY

Background

- 20 There are four types of land tenure in Uganda: Customary, Mailo, Freehold, and Leasehold. Richard M Gaynor and Jon Abrams provide summaries of these in their Land Registry Assessment Report to the SPEED Project, dated 5-30 May 2001, and the following definitions are derived from that report (pp 2-3):
- *Customary* tenure is the most widespread. It accounts for 85% of the land. Customary rights are undocumented and unregistered, and vary from region to region depending on the unwritten traditions of local tribes.
 - *Mailo* is a type of freehold that is unique to Uganda. Its stems from the 1900 Buganda Agreement under which the Protectorate Government gave approximately 900 square miles of land in Buganda to members of the royal family and to chiefs. Mailo lands exist only in Buganda and parts of Bunyoro in south-central and west-central Uganda. The Mailo Registry handles title for all Mailo lands.
 - *Freehold* tenure is not widespread in Uganda. It exists mostly in parts of western and eastern Uganda and Buganda, and is particularly prevalent in Rukungiri district where rights were adjudicated and registered in the 1950s.
 - *Leasehold* tenure includes two types: public leases whereby the State has granted long-term lease rights (typically 49 or 99 years) to private holders, and private leases whereby private land owners have granted lease rights to private lessees. Leasehold titles are issued to leaseholders.
- 21 The 15% of land comprising Mailo, Freehold and Leasehold land is registered. Each type of tenure is registered in a separate registry. The Gaynor and Abrams report cites that in 1996 it was estimated that there were approximately 350,000 properties in the Mailo registry, around 65,000 registered leaseholds, and about 10,000 freehold grants for which Certificates of Title had been issued (Gaynor and Abrams, 3-4). As stated above, precise estimates of the numbers of different properties are impossible to obtain; best guess estimates are presented in boxes above paragraphs 51 and 57 respectively.
- 22 The Ugandan land registration system is modeled after the Torrens system originally developed by Sir Robert Torrens and first implemented in South Australia. The Ugandan Registration of Titles Act, 1924, was modeled after the Land Transfer Act, 1915 of Victoria, Australia.
- 23 In Uganda's Torrens-type registration system, the State maintains Certificates of Title on which are registered information regarding ownership and other legal interests affecting a land plot. According to Ugandan law, the Certificate of Title is deemed to be conclusive evidence that the person named in the Certificate as the owner of the land is the owner, and that any person named as having any other interest in the land

possesses such interest.³ The State in effect guarantees the accuracy of the information on the Certificate of Title so that anyone dealing in land may rely on the accuracy of title information.

- 24 Each time there is a transaction that changes the ownership or other rights to a plot, the legal instrument (such as a purchase and sale agreement, lease or mortgage) that accomplishes the change is submitted to the registration office, and the appropriate change is registered on the Certificate of Title. The registration office retains instruments in addition to retaining the Certificates of Title.

Legal and Policy Environment

- 25 The following is a brief summary of laws and recent Government policies that affect land registration, and establish the context for the recommendations in Section Three of this Report.

Legal Framework Affecting the Management of Land Records

- 26 *The Registration of Titles Act, 1924*, is the principal law governing the operation of the land registration system. It dictates the form of the register and the rights and duties of the Registrar.⁴ Section 39 describes the form of Certificates of Title and the way in which they should be kept. Section 39 requires the Registrar to keep all Certificates of Title. Although the Act does not explicitly indicate for how long the Registrar must keep the Certificates of Title, they must, at a minimum, be kept for as long as the Act is in force and the Certificates are active. Arguably, Certificates that have been canceled or replaced should also be kept for their historical value. In addition, Article 44 of the Act requires the Registrar to “file and retain” an original of every instrument presented for registration. Again, although the Act does not explicitly say so, it is implied that instruments must be retained in perpetuity. Article 3 negates any other legislation in so far as it is inconsistent with the Act.
- 27 *The National Records and Archives Act, 2001* regulates the keeping of records in Uganda. It defines the following terms that are relevant to the management of land records:

Record means ‘recorded information regardless of form or medium created, received and maintained by any institution or individual under its legal obligations or in the transaction of its business and providing evidence of the performance of those obligations or that business.’

Public records means ‘records of an official nature belonging to the Republic of Uganda –

³ Registration of Titles Act, Section 56.

⁴ The Registration of Titles Act defines “Registrar” as the “Registrar of Titles,” currently called the Commissioner of Land Registration, or any Deputy Registrar, Assistant Registrar or other Land Registry personnel authorised to exercise or perform any power or duty conferred or imposed upon the Registrar of Titles. Registration of Titles Act, Section 2.

- (i) created, received and maintained in any past, present or future organ of State;
- (ii) created, received and maintained in any past, present or future public corporation or parastatal organization;
- (iii) created, received and maintained in any past, present or future local government;
- (iv) in the custody of the Government Archivist at the time of coming into operation of this Act;
- (v) declared to be public records by the Minister by regulations under section 31 of this act.⁵

Current records are ‘records regularly used for the conduct of the current business of an institution or individual.’

Semi-current records are ‘records required only infrequently for the conduct of current business and for the purposes of this Act, files or other assemblies of records on which no action has been recorded for five years shall be regarded as semi-current records.’

Archives are ‘records of enduring value selected for permanent preservation.’

Registry means ‘the place where current records are managed or maintained.’

- 28 Section 7 of the *Act* sets down the responsibilities of the creators of public records for their proper management and Part V of the Act pertains to local government records and access to archives. The *Act* places responsibility for the management of current records with the Heads of the Organs of State, which in this case refers to the Minister for the Ministry of Water, Land and the Environment. It is assumed that the Minister delegates the responsibility for the management of land records to the Commissioner of Land Registration, also known as the Registrar. ***The Registrar should seek guidance from the National Records and Archives Institution for improving the management of its records in the long-term.***
- 29 The *Act* provides for the possible transfer of archival records to the National Archives. It is unclear whether any of the records in the land registry are “archival records” or would constitute “current records,” or “semi-current records” under the Act. ***The Commissioner of Registration should consider this issue, and to the extent records are considered to be “archival,” he should consider requesting transfer of the documents to the National Archives, and should work out a long-term custodial agreement with the Archives.*** It should be noted, however, that the National Archives facility is currently full and cannot accept the transfer of additional records for long-term preservation.
- 30 Neither *The Land Act, 1988* nor the proposed *Land (Amendment) Act, 2001* make any substantive statements about the custody or management of land records.

⁵ Section 31 states that ‘The Minister may and on the advice of the Advisory Committee make regulations for giving full effect to the provisions of this Act.’

Miscellaneous Legal Issues

- 31 *The Evidence Act* is ambiguous as to whether microfilm or electronic records are admissible as evidence in a court of law. Moreover, there does not appear to be any precedents in case law. ***If a computerized land information system is pursued in future, the legal admissibility of microfilmed or digital information will need to be clarified.***
- 32 In addition to information on ownership, the Land Registry keeps financial information about land transactions, which might be considered private to the parties concerned. Although the Registration of Titles Act already establishes the conditions under which such information may be made available to the public, there may be increased sensitivity to protection of privacy once information is made more accessible through automation of the registration system. This is a long-term issue that should be considered perhaps in a consultative process involving lawyers (through the Bar Association), bankers, and other professionals. Currently, no data protection, privacy legislation or legislation setting down rights of access to information (e.g., Freedom of Information legislation) exists.
- 33 See Appendix B for extracts from the legislation.

Recent Policy Decisions Affecting Land Records

Decentralization

- 34 President Museveni launched the Local Government Decentralization Program in October 1992. The Government has since passed the Local Government Act 1997 and the Land Act 1998, both of which require decentralization and the devolution of certain land-related functions, powers and services to the districts. Since passage of those Acts, the Government has realized that establishment of over 50 district land offices is not realistic in the short run, so there are currently proposals to form 18 “zonal offices” that would each comprise one or more district. The proposal has wide backing in the Government, but has not yet been adopted. Furthermore, agreement has not been reached regarding the composition of the different zones and the locations of the zonal offices. The lack of clarity regarding the composition and location of zonal offices creates a significant obstacle to any effort to sort the land records for eventual distribution to the districts or zones.
- 35 As a result, the sorting of records into plot order should be delayed until a decision is taken on the where the zonal land offices will be located and what counties/districts will comprise a zone. Decisions on the implementation of a Land Information System should also be taken before sorting. A computerized index and/or land information system can provide access to the records by plot number and, in effect, do the sorting conceptually. Keeping the records largely in their original order will reduce the risk of records being lost and prevent the need for a lengthy and complicated sorting exercise.
- 36 ***The records management aspects of land registration should be included in discussions on the future direction of technical services for the land registries.***

Under the program the delivery of land services (ie land administration and management) will be decentralized to the districts by means of their councils, District Land Boards and Land Offices, and to sub-counties through their Sub-County Chiefs and Sub-County Land Committees. Initially eighteen zonal land offices will provide the technical services required by the districts they serve. Over time, the structure for technical land services will be reviewed.

- 37 The draft Land Sector Strategic Plan (LSSP) envisions implementation of an LIS system to provide a complete and integrated spatially referenced database to serve the needs of planners, decision makers and citizens. Discussions continue with regard to the development, procurement and implementation of an LIS system. The land registration system is, in effect, one layer of the proposed LIS. As such, reform of the registration system must be carried out in a way that will be consistent with eventual development of the LIS.

Assigning Unique Plot Identification Numbers (PINs)

- 38 The development of unique plot identification numbers at a national level is also under discussion. All of the major stakeholders in land management appear to agree that development of PINs is necessary. Although various international consultants have made recommendations regarding this issue and discussions have been held among stakeholders, no consensus has yet developed regarding how PINs should be assigned. Again, reform of the land registration system must be carried out in a way that will not be inconsistent with the eventual development of the PIN System.

The Management of Land Title Records

- 39 The Mailo records and the Freehold and Leasehold records are publicly accessible documents. These records include the Certificate of Title and the legal instruments granting title. Instrument files also include records of financial transactions that affect land, such as mortgages.
- 40 Appendix C provides an analysis of the document flows for processing transactions for Mailo land and Appendix D for the document flows for registering a new Leasehold title or processing transactions for Leasehold and land (Freehold is handled similarly to Leasehold). The records created and received and the documentation controls imposed on these records are included.
- 41 At present registering a new title or processing a transaction involves cumbersome, antiquated, extensive and repetitive searching. There is a need to improve both the intellectual and physical control of records in these registries.

Intellectual Control (Index and Filing System)

- 42 Intellectual control refers to the method of indexing and filing records used to facilitate access. Different systems are used for the Mailo records and the Leasehold and Freehold records.

Mailo Registry

- 43 The Mailo system affects a relatively small percentage of the land in Uganda. In 1956 an attempt was made to establish Mailo registries outside of Entebbe. Records were sorted and distributed to eight branch offices: Kampala, Mukono, Mvarara, Mityana, Bukalasa, Masaka, Fort Portal, and Rukungiri.⁶ By far the largest percentage of Mailo records relate to land plots in Kampala.
- 44 Certificates of Title are kept in numerical order in binders according to either block and plot number or street name and plot number (the latter only pertains primarily to urban areas). Instrument numbers recorded on the Certificates of Title provide the only finding aid to instruments stored in the Registry. Moreover, there is no reliable cross-indexing system that can be used to find a Certificate of Title if the block and plot number is not already known. An index based on owners' names fell into disuse a number of years ago, and plot index maps are not entirely reliable. In other words, if a landowner does not know his or her block and plot number, it becomes very difficult to locate the Certificate of Title. At present, the registration office tends to rely on the owner to produce a duplicate copy of the Certificate of Title in order to obtain the block and plot number.
- 45 When instruments are submitted to the registration office they are assigned a unique instrument number (see Appendix C). The instrument number is recorded on the Certificate of Title either under 'Part II – Ownership' or 'Part III – Incumbrances'. The instruments are filed in numerical order according to the instrument number; each file contains 100 instruments. This method of filing means that the instruments are kept chronologically, but cannot be separated easily according to either district (i.e., Kampala District, Mpigi District or Wakiso District) or specific block and plot or street name and plot numbers. As a result, if a Certificate of Title references four instruments, these instruments would likely be filed in four separate files.

Leasehold and Freehold Registries

- 46 Leasehold records for the entire country are housed in the Department of Land Registration at the Ministry of Water, Lands and Environment in Kampala. Anyone wishing to search the records or register a transaction affecting a leasehold plot must travel to Kampala.
- 47 Most Freehold records in the country are also kept in Kampala; although, Mbarara, Fort Portal and Rukungiri hold un-adjudicated Freehold titles.

⁶ Mbarara, Fort Portal and Rukungiri also manage un-adjudicated Freehold titles.

- 48 Both Leasehold and Freehold records are classified and arranged by volume and folio number. For the most part, each land plot has a related folio.⁷ Each folio should contain minimally the Certificate of Title and related instruments such as the Deed Plan, Lease Agreement or Mortgage. The folios may also contain related documents such as the original letter instructing that a Lease Agreement be prepared, or a signed handwritten sheet of paper indicating when the Certificate was collected and by whom.
- 49 25 folios are grouped together to constitute a volume. The volume and folio numbers are assigned sequentially as a land plot is created. As a result, there is no geographic orientation to the volumes or folios. Folios from all districts throughout the country are intermixed with each other. There is no index or other form of finding aid to these records. If an owner does not have the volume or folio number it is extremely difficult to find the appropriate folio. In some rare cases when a folio cannot be found after a search based on an approximate date of registration it is possible that a new folio has been opened. As a result there may be more than one folio for a plot.

Physical Control and Storage Facilities

- 50 Physical control refers to the way in which records are physically filed and the conditions in which they are stored.

Mailo Registry

The Kampala Mailo Registry comprises approximately 327 binders of Certificates of Title (staff estimate that the binders contain a total of approximately 200,000 Certificates, 110,000 of which relate to Kampala properties), plus approximately 310 linear feet of instruments (staff estimate that there are approximately 354,100 instruments, 227,700 of which belong to Kampala District). There is an additional estimated 566 linear feet of records in the two 'archives' rooms.

According to the Register, an average of 400 instruments are processed per month, which equates to approximately 4 new folios per month or 48 per year.

- 51 Mailo records date back to the early 1900s and are housed in four rooms, which are approximately 12 x 14 feet each. Two of these rooms store what are referred to as the 'archives.' The archives are rarely accessed.
- 52 All four rooms are filled to capacity. The file folders used to store the instruments are flimsy and provide inadequate protection for the records. Shelving is poor and is constructed primarily of wood. Wooden shelving should never be used because it is a

⁷ In rare cases (estimated by registry staff to be less than 3%) old freehold folios may relate to more than one plot.

fire hazard. There is no ability to control the temperature of the room, although the windows are often left open to allow air to circulate. The room does not contain smoke detectors or fire extinguishers. There is a fire extinguisher located nearby, but it cannot be determined when it was last serviced. The rooms are dusty and dirty and there are some signs of damage caused by humidity and/or damp conditions. There does not appear to be any regular cleaning or maintenance of the storage facilities.

- 53 Access to the storage areas is largely restricted. The windows have bars and the door is locked, but members of the public often stand near or in front of the doors to the storage rooms. The door is regularly ajar when a staff member is working in one of these rooms.
- 54 In the staff working area there is a counter that separates the Registry facilities and staff from public who enter via the public entrance. However, members of the public also enter the building by the Parliament Street entrance and come up the hallway off which the storage rooms are located. There is a counter to prevent them from entering the processing room, but this means that they are standing outside the storage rooms. This can pose a security risk at times when the doors are not locked.
- 55 The records themselves are in poor condition. In particular the Certificates of Title are torn or are tearing. In some cases vital information has been lost where parts of the record are now physically missing. The binders that house the Certificates are virtually all beyond repair. (Figure 1) Documents in the folios are not attached to the file and there is a risk that detached pages can be easily lost, torn or otherwise damaged. Some of the documents show signs of foxing (ie small, usually brownish spots appearing on paper, variously attributed to action of fungi on trace metal (iron) in paper under humid conditions). This is not a serious problem in itself. However the presence of foxing indicates that the materials may be susceptible to mould. Foxing is more prevalent, however, on the documents stored in the two 'archives' rooms. Brittle paper is also a significant problem for the archives documents in particular.



Figure 1

- 56 Documents kept in the two 'archives' rooms date back to circa 1904, including the first grants and first allocations through to closed converted land files from 1959 to present (converted refers to those files that used to be kept by volume and folio and were then converted according to block and plot numbers). The rooms are extremely dusty and dirty. The file covers are very dirty and will have to, in time, be replaced. The documents contained in the files are in slightly better condition. However, some of the documents, including plot maps are becoming brittle and there are some signs of foxing. These documents are not accessed often.

Leasehold and Freehold Registries

The Leasehold Registry contains approximately 1,231 linear feet of records and the Freehold Registry houses and estimated 123 linear feet of records.

It is estimated that there are approximately 9,200 Freehold folios and 72,500 Leasehold folios (derived from counting the number of volumes; each volume contains 25 folio).

According to the Lodgement Book, the Registry processes on average 35 transactions per day or approximately 3 files per week. Conservatively the holdings are growing by 144 folios per year.

- 57 Land registration is an on-going function. Files have been accumulating in the Registry since circa 1924 and existing storage capacity is exceeded. In addition to the space being insufficient, the shelving, tables and cabinets available are in a poor state. Much of the shelving is constructed of wood. As stated above, wooden shelving should never be used because it presents a fire hazard.
- 58 The situation is very similar to that in the Mailo Registry. More recent folios are stacked on the floor. Older folios are 'spilling' off the shelves in places (Figure 2). The facilities are unclean; most file covers are very dirty and some are beginning to show damage from damp. Some windows are open, which provides the only source of air circulation. No other temperature controls are in place. There is a fire extinguisher in one of the rooms, however it could not be determined when it was last serviced.
- 59 Access to the storage areas is restricted to Registry staff and the main door to the storage facility is locked. The general public are not normally given access to the room that leads to the storage rooms.
- 60 The material used for file covers is flimsy and provides inadequate protection of records. Older files are in a somewhat better state of preservation because the covers used in the past were of better quality. Pages are not attached to the file and there is a risk that detached pages can be easily lost, torn or otherwise damaged. Some of the documents show signs of foxing.
- 61 As with the Mailo Registry, indirect daylight serves as the main lighting source. Standard overhead light bulbs are used otherwise, but are not left on when no one is working in the rooms. Some files are stored on or near window ledges, however the light damage is minimal because most documents are in file covers.



Figure 2

Staff capacity

- 62 The Mailo Registry employs two registrars (including the officer-in-charge), two copy typists, five records staff and one cashier. The Leasehold Registry has three registrars, three records staff (one of these positions is currently open), one senior copy typist and two copy typists (both of the latter positions are currently open). Only two records staff and one office attendant work in the Freehold Registry. For the most part, staff turnover is stable. The three positions open result from one retirement and two deaths.
- 63 The positions open in the Mailo and Leasehold Registries are frozen for the time being. All of the registries were supposed to be restructured. However the Mailo Registry was not restructured, as it was known to be moving to the Kampala City Council. All staff currently working in the Mailo Registry are now employed by the Kampala City Council. The Leasehold Registry is under the control of the Department of Land Registration, which is supposed to be divested to become an agency. As a result it was not restructured either. The Freehold Registry falls under the Land Inspection Section.
- 64 There is no professional staff (ie individuals with a BA in the social sciences or the arts or a BSc in information technology) working in any of the three registries. The highest-ranking non-graduate post held by a staff member in each of these registries is Senior Assistant Records Officer. The salary range for a Senior Assistant Records Officer is approximately Ush 3,286,560 – 4,075,080 (US\$1933 – 2397) per year. A Records Assistant II, the lowest grade held by records staff in the registries, earns between Ush 1,208,159 – 1,261,196 (US\$710 – 742) per year.
- 65 Training is now available to the records cadre through either the Uganda Management Institute or the Uganda Management Training and Advisory Center. Courses are organized by the Ministry of Public Service. A Certificate of Attendance in registry procedures is available from both institutions and a diploma course is now available at the Uganda Management Institute. However, these courses only help staff to move through the non-graduate ranks from Records Assistant II to Senior Assistant Records Officer. A BA or BSc is required to achieve the rank of Records Officer. Few staff have participated in these programs.
- 66 Mailo Registry staff are not included in this training because they are not employed by central government.
- 67 *There is a need to improve training in records management practices in the Land Registries. In particular all staff should be trained in basic records management procedures, including regular housekeeping practices, the recognition and identification of missing instruments, loose pages and the need for re-folding. At least one member of the senior records staff should be qualified to graduate level to ensure that the new practices and facilities are sustainable.*

Other Related Land Records and Maps

- 68 *It is unclear which organization is responsible for the master copy of maps and surveys.* The Department of Surveying and Mapping would appear to have governing responsibility. However, the Drawing Office of Kampala City Council is carrying out updates to maps of Kampala District and keeps copies of surveys. Additional maps are stored in the map registry in the Ministry of Water, Land and the Environment. *It should be determined which organization has custody of the master maps for a given district/zone.*
- 69 *Consideration should be given to whether the files kept in the land registry, under the direction of the Land Inspectorate Department, should be linked (perhaps using a computerized index) or physically reconciled with the land title records. These records provide information about the origins of a land title.*

Department of Surveying and Mapping, Entebbe

- 70 *The Department of Surveying and Mapping would benefit considerably from an in-depth assessment of their records and information management practices.* Records and maps relevant to the Land Registry are kept here and the capacity of staff to manage these appropriately could be strengthened and facilities improved. It should be determined, as a matter of urgency, whether the older film canisters stored by the Large Scale Digital Mapping Section contain nitrate film. Cellulose nitrate is extremely flammable. If the film is found to be cellulose nitrate, advice should be sought on the safest method for its transfer to a more stable medium and the destruction of the older film reels.
- 71 *Future phases of a land records rehabilitation program should include the records, maps and digital information created and received by this Department.*
- 72 The Department has responsibility for the survey and mapping functions for the whole of the country. There are three types of vital records stored at Entebbe: survey records for all land surveyed in the country, records of geodetic control points and topographic and cadastral maps.
- 73 A survey must be made whenever a plot is created and a Certificate of Title will be required. The Department of Surveying and Mapping must approve that survey.
- 74 The cadastral survey function is now privatized. The Survey Section now conducts surveys for government land only and reviews private surveys. The files created by the Section contain the surveyor's report, sketches, job history and relevant correspondence. There is currently a backlog of survey files waiting to be checked. These files are bundled with raffia and piled in 'loose' order according to district on shelving along one wall.
- 75 When the review of the survey is complete, additional comments and notes regarding changes or approvals are noted on the file and the file is sent to the cadastral mapping section for preparation of the final map. Three copies are made and filed in a room adjoining the one where they were piled to wait for checking. The approved files are

bundled by sheet numbers consisting of the district and block and plot numbers and piled on desks and chairs. Files are accumulating at a rate of approximately five files per day.

- 76 All files are recorded in the Register of Survey, which notes the date received, surveyor's name, job description, field book, action taken, date, and to whom it is passed. However, there are no indexes or other finding aids available.
- 77 The Cadastral Mapping Section maintains cadastral maps for all of Uganda. These maps delineate property boundaries and are revised as new land is registered for title or existing plots are sub-divided. The maps are organized by region and then by sheet number. There are 94 sheets in total for the whole country. Larger scale maps are assigned a serial number that is not related to the sheet number system. The maps are hung vertically in map cabinets. There is no index to facilitate retrieval. However, there is a register in which the block numbers are recorded. When a block is identified it is assigned the last serialized number in the register. It is useful to note that each sub-country is taken as a block.
- 78 Older maps are laminated or given a cloth backing to allow them to continue to be used. The staff are supposed to use plastic inks, but these are difficult to obtain so waterproof inks are used. Waterproof ink rubs off over time.
- 79 The Photogrammetry Section interprets information from aerial surveys into cartographic form. Recently the Section has started using software that allows for the digital capture of plotting information. The digital information can be used by the Large Scale Mapping Section to create digital maps. Back-ups of the digital information are supposed to be stored on a disk with a copy sent off-site for secure storage. The on-site copy of the diskette was not produced.
- 80 The Large Scale Digital Mapping Section creates topographical and thematic maps for the country. The maps are created from photogrammetric data as described above. The data is enhanced through field observations. The maps delineate physical, agricultural, geological, and other formations. This section uses Autocat software. Electronic copies of the maps are backed-up onto CD-ROMs. The data can, in time, be migrated into Arcview or Demetre software.
- 81 This section also maintains an 'archive' of photos and films. Staff estimate that the contents of the archive may date as far back as the early 1930s. Some of the boxes in which the photos are stored are damp and decaying which puts the images at risk of becoming destroyed. ***More importantly, it is recommended that the staff seek advice on how to best handle the older film reels as they may contain nitrate film.*** Cellulose nitrate is a material produced by the action of nitric acid on cellulose and was used extensively as a film base until 1951. ***Cellulose nitrate is highly unstable, subject to oxidation and denitration and is extremely flammable.***
- 82 The Computer Assisted Mapping Project – Uganda Surveys (CAMPUS) is constructing two separate geographical databases, one for topographical and one for cadastral information. The unit draws data from the other sections of the Department, as well as from different ministries. The topographical data is overlaid with information about healthcare facilities, population, industry statistics and so on. The

cadastral database is constructed from existing cadastral information. The inability to identify land parcels using a unique parcel identification number (PIN) causes some difficulties in their work.

- 83 The CAMPUS project uses Demeter software on SPARC stations for the cadastral mapping project. The staff would seem to only back the system up onto a floppy every three months. The back up is then stored on a shelf in the adjoining room. The software application set up disks are also stored with the system back up tape. The facilities maps are created using Arcview software. Similar issues regarding the back up and storage of data exist.

The Drawing Office, Kampala City Council

- 84 *Future phases of a land records rehabilitation program should also include the surveys and maps created and received by this Department. There is no index to the maps or surveys held in the Office, maps and surveys are stored in random order and there are inadequate storage facilities available.*
- 85 The Drawing Office contains all the maps for Kampala District. They maintain two categories of maps: cadastral and topographic. The office maintains approximately 130 maps of central Kampala and 220 sheets of greater Kampala.
- 86 A 'Kalamazoo' Book is kept for registering the block and plot numbers (or street and plot numbers where appropriate); it is compiled in sets. This register will not indicate when a survey was completed or when a plot was created.
- 87 Some surveys are kept in this facility. However they are not stored in any particular order. Instead they are in effect 'dumped' inside a disused vertical map case. They are never referred to.
- 88 Maps are stored in both vertical map cases and horizontal drawer cases. There is no particular order adhered to. Retrieval is done by memory or searching each drawer or case. Often too many maps are stored in each drawer. Vertical map cases are largely abandoned because the 'plan filing strips' required to hang the maps are not available at this time.

The Land and Map Registries, Department of Land Inspectorate, Ministry of Water, Land and the Environment

- 89 *Future phases of a land records rehabilitation program should also include the records stored in this facility. This would require an assessment of the contents of these files and a determination as to whether they need to be decentralized along with the land title files.*
- 90 The Land Registry contains approximately 11,550 folios that refer to land within Kampala district. This Registry manages the records that lead to the instruction given to issue a Land Agreement. These records might be useful in resolving disputes of ownership.

- 91 The Map Registry contains maps that have fallen into severe disrepair. Many of the maps pertain to Kampala district.
- 92 A decision will need to be taken in time as to whether these records should be reconciled with the tenure records that will be transferred to Kampala City Council. The land tenure records reflect the end of the process, whereas these records show the beginning. It should be determined how often these records are referred to once a title is issued. If there remains significant use with regard to investigations of land ownership, there may be a case for rehabilitating and moving these records to reside near their title counterparts.

Mukono Land Office

- 93 *If Mukono Land Office is to become a district or zonal headquarters for land registration, the Office's land records will require a similar rehabilitation program to that recommended for Kampala City Council. Staff will also require similar training.*
- 94 The Mukono Land Office is a branch Mailo Office based on the Mailo Registry system used in the Kampala office. The offices manage land titles for Mukono and Kayunga Districts. 174 transactions were processed in July 2001 for Mukono District and 3 for Kayunga. The Land Act says that Kayunga should have an office of its own, but for the time being Mukono continues to manage transactions for Kayunga.
- 95 The Office has 13 staff members, 2 of which are of the records cadre (1 Senior Records Assistant II and one Records Assistant I). Six staff assist these individuals in the filing and retrieval of records. No staff have been trained professionally in records management practices. Three staff members received training in 1998 in computer skills. However there are no computers on which to practice.
- 96 The Certificates of Title and instruments are stored in a safe room. The room is relatively tidy. There are small vents to allow for circulation of air, but the room has a slight musty odor. A solid strong room steel door provides security for the room. A combination of wooden shelving, steel cabinets and wooden tables are used to store records.
- 97 The records, in particular the Certificates of Title, are in similar condition to those found in the Kampala Mailo Registry. The binders used to store the Certificates are broken and have exceeded capacity. Instruments are in better physical shape because they are stored in folders on shelves according to instrument number.

SECTION THREE: RECOMMENDATIONS

98 The purpose of these recommendations is to provide guidance to the GOU and SPEED regarding the program to rehabilitate the land registration system. The initial focus is on sorting inventorying, re-filing and reorganizing the records for eventual transfer to the Kampala District Registration Office and other district and zonal offices when they are prepared to accept them. The Kampala District Office will serve as a model in which indexing and filing methodologies, and new filing materials, furniture and equipment will be tested. Within this context the key objectives to be achieved through rehabilitation of the land registry should be:

- to improve the service to clients by providing faster and more precise retrieval of records
- to strengthen security of land tenure by improving the physical security and durability of land records
- to develop a logistical methodology for sorting (i.e., separating Kampala records from other records) and transferring the records to the Kampala District Registration Office and other district and zonal offices once they are established and equipped to accept them.

99 In addition, to being designed to facilitate the achievement of these three key objectives, the recommendations were developed with several guiding principles in mind:

1. for sustainability purposes, the systems recommended must be simple, robust and easy to maintain
2. the recommendations must be realistic based on currently available and anticipated resources, and the need to achieve the short and long-term goals of the LSSP
3. training of registry staff and others involved in the process will be key to effective implementation and ongoing sustainability of the program
4. any methodology for extracting relevant records, surface cleaning, and re-folding them, and creating an inventory and index, and transferring them to Kampala or any other office will be labor intensive and will take a great investment of time
5. tight performance standards should be in place with regard to speed, accuracy and security during this process
6. the tenure records for Kampala district present a number of challenges, including the fact that all three types of tenure exist in Kampala, and the largest number of land-related disputes pertain to land in Kampala district

7. the methodology finally agreed upon will have to undergo testing to ensure that the procedures really work, and if not to make adjustments where necessary – this will have an impact on the training and work program
 8. careful consideration must be given to a number of risks, including:
 - preventing documents from becoming mixed up if they are removed from their current folios
 - stopping staff from removing “inconvenient” or “problem” documents during the process and then holding the project responsible
 - staff becoming bored and either giving up or simply not performing to standard (incentives to staff will be needed to counter this risk)
- 100 One overarching recommendation is that the SPEED Land Registry project involve the Records and Information Technology Department in the Ministry of Public Service in the program for extracting, cleaning, processing and transferring the land tenure records from the Ministry of Water, Lands and the Environment to the Kampala City Council facility. In particular, Mr. Robert Okusam, Assistant Commissioner, Records and Information Technology, is familiar with the workshop methodology commonly applied to the restructuring of central open registries. Mr. Okusam can provide guidance in adapting this methodology to the needs of the land registries and can offer valuable insights into what can go wrong during such an undertaking. The Records and Information Technology Department should also be involved in the training of staff to manage records.
- 101 Other recommendations are presented under four headings:
1. Create Inventory and Index
 2. Improve Security and Durability of Records
 3. Preliminary Proposal on Methodology
 4. Next Steps.

Create Inventory and Index

- 102 Creation of an accurate computerized inventory and index of existing records will improve significantly access to the land title records in the Mailo, Freehold and Leasehold Registries. This should go a long way towards improving service to clients by providing faster and more precise retrieval of records. Computerizing the intellectual control is the most effective means of achieving this objective.
- 103 Currently, the physical paper Certificates of Title act as the only finding aid to the instruments in the Mailo Registry. There is no finding aid to the records held in the Freehold and Leasehold Registries. Excessive handling of original records is damaging them through wear and tear. Computerized intellectual control should reduce this problem.
- 104 The index should be automated and a paper copy produced at regular intervals as a back up in the event the system fails or cannot be accessed due to power shortages.

- 105 The computerized index should be created using industry standard software in an attempt to anticipate as far as possible issues of compatibility with the LIS. The automated index will also need to take into account the issuance of PINs in the future. It is recommended that first consideration be given to TRIM as the software for automating the database. TRIM is an off-the-shelf package that can be customized relatively easily to the needs of the Kampala City Council (KCC) Land Registry. The local TRIM representatives (ComputerLand) would need to do a more comprehensive user analysis before committing to a specific time frame for customizing the index. However, this consultant estimates that this could be achieved in 6-8 weeks. ComputerLand can provide training and support for TRIM software in Kampala. Moreover, KCC is already using TRIM in its open registry (other districts are also using TRIM). TRIM is compatible with leading off-the-shelf LIS. Tower Software is also willing to work with designers should a bespoke LIS option be pursued in future. Finally, TRIM meets the USA Department of Defense Records Management Applications Standard 5015.2 (<http://jtc.fhu.disa.mil/recmgt/#standard>) and is used in several US Government Departments.
- 106 See Appendix E for a summary of automation options and alternatives.
- 107 Close collaboration of all stakeholders will be required in order to design and customize the automated indexing system. Careful consideration will have to be given to the attributes that will be entered into the system.
- 108 Block and plot numbers or street name and plot number as appropriate will provide the primary key to the index. Further discussion is needed with the database programmers to resolve how the database will handle these fields. The block number field will contain a number, but the street number field will need to accommodate a street name and address.
- 109 Other attributes should include:
- *Plot location*
A decision will need to be taken about the most appropriate unit: county, township, municipality, or city.
 - *Landowner's name*
Including the landowner's name will increase the time and cost of creating the index database. It would also introduce problems related to variant spellings of names, and issues regarding how the index would be updated whenever a change of ownership occurs. These costs and complications will have to be weighed against the usefulness of a name-based index as a finding aid in cases when members of the public, particularly the elderly and woman, may only know the landowner's name, not the block and plot number.
 - *Instrument number or volume and folio number*
The index database should provide reference to the old system of storing records in the Mailo, Freehold and Leasehold Registries.
 - *File location*

This will indicate the registry in which the record is located (i.e., KCC Land Registry, the Mailo, Leasehold or Freehold Registries in the Ministry, or the district or zonal registration office).

- 110 Inclusion of these attributes will provide better intellectual control and facilitate easier and more efficient access. The final list of index terms should be discussed further with stakeholders to ensure an appropriate ‘trade off’ between effort of data entry and benefit.
- 111 The index’s functionality must include:
- searching on a block and plot number or street and plot number as required
 - ‘sounds like’ searching on an owner’s name, if it is ultimately decided to include the owners’ names in the index
 - searching on the location of the plot (ie country or village name)
 - identifying duplicate block and plot or street and plot numbers⁸
 - printing a copy of the index
 - printing a report of duplicate records.
- 112 The Certificates of Title should provide the basis for data entry.
- 113 A robust computerized index would mean that the original order of the records could be maintained, yet still take account of the future goal of organizing information according to block and plot or street and plot numbers.

Improving the Security and Durability of Land Records

- 114 Improving the security and durability of land records can be achieved through a combination of measures designed to protect the records against fire, theft, and mechanical damage through excessive use. This is fundamental because land records need to last for very long periods of time and would be difficult to replace in the event of a major disaster. The measures recommended include better quality shelving, equipment and supplies, more stringent fire protection measures and environmental controls, regular cleaning of storage areas and appropriate back-up and storage of computer files.
- 115 Improving the physical control of the land title records includes:
- placing the records in new, sturdier file covers or archival boxes as appropriate

⁸ A lease can be created on Mailo land (and Freehold land) and that lease would be kept in the Leasehold Registry.

- equipping storage facilities to improve fire prevention and environmental conditions
- considering appropriate preservation measures.

Placing Records in New File Covers or Archival Boxes

- 116 Simply re-filing records in more durable file covers and re-housing Mailo Certificates of Title in acid-free archival boxes would represent a significant achievement toward improving the durability of land records.
- 117 Good quality foolscap size file covers with integral plastic prongs should be procured.⁹ These should be preprinted with a design agreed in advance (see Appendix F for a sample design). A competitive quotation was obtained from the Uganda Publishing and Printing Corporation (UPPC) for file covers. However, the materials are not available locally. Paper for the covers will have to be procured from the United Kingdom through Nairobi. Integral plastic prongs are not available through UPPC, only metal which can rust in the humidity and cause damage to the records. See Commodities list for a price comparison.
- 118 Customized acid-free archival boxes should be procured to house the Mailo Certificates of Title. The Certificates of Title for the Mailo Registry measure 10 x 15.75". It would be difficult to obtain file covers that could house the Mailo Certificates adequately. These certificates are currently kept in customized binders, of which there supplies remaining. It is not recommended that new binders be made as they only tear the Certificates over time.
- 119 Unlike the Freehold or Leasehold Certificates, many of the Mailo Certificates are torn or are tearing, or otherwise deteriorating. It is anticipated that the introduction of an indexing system will reduce the wear and tear on the physical Certificate. According to the Commissioner of Land Registration, in cases where Mailo Certificates have deteriorated, current practice allows for a new Certificate to be typed (which transfers the information from the old certificate to the new), labeled '2 of 2' and the old certificate attached to it. During processing new Mailo Certificates should be produced according to this procedure where appropriate.
- 120 Consideration should be given in future to producing Certificates of Title on a standard paper size and on good quality, and preferably acid-free, paper. The paper used can be watermarked to reduce opportunities for fraudulent Certificates to be produced. It might be useful to discuss this further with the organization responsible for developing the paper used to print Uganda shillings.

⁹ The Mailo instruments are largely on standard A4 paper (8.27 x 11.69"). In the Freehold and Leasehold Registries, the Certificates of Title measure 8.5 x 14" (standard US legal size) and the instruments are also largely on standard A4 paper (8.27 x 11.69"). Foolscap measures 9.75 x 14.5 approximately. This will provide adequate protection for both sizes of paper.

Equipping Storage Facilities to Improve Fire Prevention and Environmental Conditions

- 121 Storing records on metal shelving and under appropriate environmental conditions will contribute substantially to the security and preservation of records over time.

The Kampala City Hall Facility Might be Insufficient to Store the Records

- 122 The fundamental reason for the breakdown of the existing system is the lack of sufficient storage space.
- 123 There are no statistics or file lists on which to base an accurate calculation of the total volume of Mailo, Freehold and Leasehold records that belong under the custody of the Kampala Land Registration Office.
- 124 Considering the lack of clarity regarding the volume of records to be transferred to the new Kampala office, it is unclear whether there will be sufficient room in the new facility. If current estimates for Leasehold records are accurate and if a decision is taken to move all of the Mailo Registry holdings (i.e., all of the records for Kampala, Mpigi and Wakiso together), but minus the archives, it appears that the Mailo records, plus the Leasehold and Freehold records would fill both of the large storerooms, and the adjacent office earmarked for records staff. This would leave no room for office space for records staff. One of the offices adjacent to these three rooms would have to be used to accommodate records staff. Room for growth of the holdings would also be minimal.
- 125 If the estimate is reasonably accurate the facility will likely run out of space within five years. If the volume of Leasehold records is overestimated the facility should be adequate. However, if the volume of Leasehold records is much higher than the estimated amount, the facility will not be sufficient even now.
- 126 In any case, there will be no room to store any of the Mailo ‘archives’ materials in the Kampala facility.
- 127 A combination of Manual mobile and static shelving offers a solution. However, there is a risk that the shelving might not be maintained adequately. If this were to become the case, the records could become inaccessible.
- 128 Appendix G offers detailed calculations for shelving requirements. Appendix H provides a diagram of how the rooms could be equipped using both manual mobile and static shelves.
- 129 If the rooms designated by Kampala City Council to act as storage facilities for the Land Registry are in fact used they will require some renovation.
- 130 Electrical wiring and light fixtures are set into a wooden ceiling. The ceiling should be checked for fire resistance.

- 131 The tiles on the floors should be repaired as they are crumbling in places.
- 132 The Kampala City Council has installed wooden purpose-built shelving to house the records. Wooden shelving is not an acceptable method of storage because it is a fire hazard. Moreover, the shelving is roughly finished and does not allow for the circulation of air (Figure 3). It is recommended that these shelves be removed. Replacement shelving should be constructed of open steel shelving, ideally with a baked enamel finish. Spray painted steel shelving is available locally; baked enamel steel shelving must be procured abroad. Manual mobile shelving will have to be procured abroad.
- 133 Before the installation of new shelving, the facility will require thorough cleaning. A regular program of cleaning and maintaining the facility is also critical.
- 134 These rooms are not accessible to the public. There are two doors off the main hallway that lead to these rooms. However, each doorway is secured first with a steel door facing out onto the hallway. This door can be bolted, but the bolts are loose and should be strengthened. There is a second inner door made of wood that can also be locked. A deadbolt should be added as extra security. The windows have bars, which add to the security of the room.
- 135 Two fans provide some ventilation. These should be left on even when no one is working in the room. The fans improve air circulation. However, it is likely that open windows will provide most of the ventilation for the room. Although air-conditioning might normally be recommended, it is difficult to maintain. Experience from other countries in the region has shown that staff have a tendency to turn the air-conditioning on only when either they themselves or visitors are in the room. Frequent power cuts also make this a less attractive solution.
- 136 A hygromograph should be purchased to monitor humidity and temperature levels. However, a de-humidifier will be impractical as it is only effective if the room is sealed. In the absence of air conditioning, there will be no air circulation if the room is sealed.
- 137 A fire extinguisher should be placed in the facility and serviced regularly. Staff should be trained in its use.
- 138 Mobile step stools (ie kick stools) or 2-tread step stools should be available to remove files from the top shelves and carts should be made available for retrieving and replacing files. Diagrams of the facility should be posted throughout to indicate where files are stored.



Figure 3

- 139 Note: 85% of land in Uganda is Customary. The demarcation process for Customary land has yet to be decided. It is impossible to estimate the volume of records this will produce over time. The amount of shelving and supplies recommended for purchase only takes account of estimated growth of files based on current figures available from the Mailo, Freehold and Leasehold Registries.

Storage Facility: Ministry of Water, Land and Environment

- 140 *A decision will need to be taken as to the fate of the remaining records before recommendations can be made on the cost effectiveness of improving these facilities.* The storage facilities in the current Mailo, Freehold and Leasehold Registries are inadequate. However, it is unclear as to how long the remaining records will be stored in the Ministry until custody is transferred to the other districts/zonal land offices.
- 141 Until a decision is taken, there is significant value in cleaning these facilities thoroughly, making repairs to those parts of the ceiling that are crumbling, and painting the walls. Some of the more damaged shelving could be disposed of and remaining shelving reconfigured to make better use of the space. Investment in new shelving is only recommended if these facilities are to continue to house these records for a long period of time (ie 3-5 + years).
- 142 Mobile step stools (ie kick stools) or 2-tread step stools should be procured to facilitate the retrieval and refilling of records. Carts should also be purchased to facilitate the retrieval and replacement of files. Once reconfigured diagrams of the facility should be posted throughout to indicate where files are physically stored.
- 143 The fire extinguisher should be serviced and staff trained in its use, and smoke detectors should be installed.
- 144 A recommendation for renovating these facilities should be postponed until a decision is taken on whether funds should be spent on improving these facilities. However, existing shelving can be reconfigured easily after the Kampala District files are removed and the remaining files consolidated. Once shelving is reconfigured, plastic sheeting or drop cloths can be procured locally to cover the shelves and records while the cleaning and painting are being carried out.

Considering Appropriate Preservation Measures

- 145 The consultant was asked to investigate the benefit of implementing a scanning or microfilming program to create a security copy of the Certificates of Title. There would be a benefit to have a security copy made of these records. However, it should not be a priority at this stage.
- 146 Instead, emphasis should be placed on laying the foundation for good preservation of the originals; this includes using durable file covers, good quality paper, and metal shelving. Ensuring adequate air circulation and regular cleaning of the facilities is also very important. Fire and disaster prevention is critical. *It is recommended that*

a disaster recovery program be designed for the Kampala City Council and Ministry facilities.

- 147 The benefits and disadvantages of scanning Certificates to produce a security copy should be discussed further among stakeholders.
- 148 Preservation microfilming or scanning will add greatly to the project's investment in time and money. Staff would have to be trained to scan documents and store files appropriately. It is likely that staff performing the scanning will require higher compensation. In terms of the technology required, the Mailo Certificates of Title are an unusual size (10 x 15.75") and there are no scanners sized between US legal size and A3. Therefore an A3 sized scanner would have to be purchased, which is more expensive. As there are a large volume of Mailo, Leasehold and Freehold Certificates a robust production scanner with a daily duty cycle in excess of 500 scans per day will be required to ensure as little down time as possible. Moreover, given the volume a relatively fast scanner is required to reduce operational overheads. However because the Mailo Certificates in particular are of poor quality they will have to be scanned using a flatbed scanner. Poor quality documents cannot be passed through an Automatic Document Feeder. As a result, it is important to recognize that the labor involved between scans is going to be more time consuming than the actual scanning time. Finally, as the certificates are of poor quality and some have colored ink they will have to be scanned in grayscale to ensure an accurate reproduction of the certificate. Scanning in grayscale will also take more time. Prices on a scanner that will meet these requirements will range from US\$ 4000 - US\$ 5000 depending upon the source.
- 149 Careful consideration should be given to whether this activity might be more appropriate as part of the process of implementing the LIS.

Preliminary Proposal on Methodology

- 150 Before work can begin, the basic program of work and the methodology for processing and transferring records will need to be agreed. A meeting to discuss these and other issues is identified in paragraph #.
- 151 Once the basic methodology is agreed, a short testing phase should be planned and carried out to check whether the procedures work well and, if not, make adjustments where necessary. This will have an impact on the final version of the work plan.
- 152 It is recommended that the methodology comprise three stages:
- Preparation
 - Processing and Transfer
 - Monitoring and Evaluation

- 153 Appendix I is a Gantt chart that lists the tasks involved in the preparation, processing and transfer, and monitoring and evaluation stages, and the individuals responsible for delivery of those tasks. The Gantt chart illustrates the relationship between tasks and the estimated time required to complete them. The chart is offered at this stage as a preliminary proposal of a methodology that will need to be discussed, refined and agreed upon among by all stakeholders.

Preparation

- 154 Preparation activities largely address the testing of the methodology, procurement of equipment and supplies, the commissioning of the database, preparation of facilities and the development and delivery of training and the materials to reinforce training over time. This is a critical stage because it lays the foundation for the success of the processing and transfer stage.

Processing and Transfer

- 155 A step-by-step approach is recommended for the processing and transfer of tenure records from each of the registries.
- 156 It is recommended that the records remain largely in their original order. At this stage a sorting exercise to put the files physically in order according to block and plot would be very complicated and labor intensive. Re-ordering the files should also be delayed pending decisions regarding the location and composition of zonal land offices and the design of the LIS. More importantly, sorting the records poses a significant risk that documents will be lost.
- 157 Instead the computerized index will provide the ability to search on block and plot or street and plot numbers.

Leasehold and Freehold Registries

- 158 The methodology will be most effective if work begins with the most recent volumes and works backwards. A short testing phase should help to determine the number of records that can be processed each day.
- 159 The process should be to:
1. remove a certain number of volumes from the shelves (according to the amount determined by the pilot.
 2. pass the volumes to a processing clerk who will sign off on the volume and folio numbers received
 3. for each folio:
 - 3.1 remove the documents from the current file cover
 - 3.2 place the documents into a new file cover

- 3.3 punch holes in the documents and fasten the documents to the file using the plastic prongs
- 3.4 write the appropriate information in black marker on the file cover
- 3.5 determine which district the folio belongs to (posters listing the current and former counties and districts will have to be produced)
- 4 For folios that belong to Kampala District, the staff member will:
 - 4.1 record the volume and folio number on a minute sheet and include the minute sheet on the top of the volume that will remain in the Ministry facility
 - 4.2 pass the volume consisting of only the Kampala folios to the Kampala data entry clerk (track movement)
 - 4.3 data entry clerk will check database for duplicates
 - 4.4 enter data into index
 - 4.5 record the volume and folio number on a transfer file list, which will accompany the record to the Kampala facility
 - 4.6 bind all the folios from a single volume that belong to Kampala District with archival tape and place the bound volume in a records center box (once a box is full the transfer list should be placed inside the box).
 - 4.7 once the box is full, pass the box to the filing clerk who will verify that the order in the box is sequential, sign off on the transfer list and store the box until it is time for transfer

NOTE: during testing of the process, consideration should be given to whether it might be more efficient to minute the folio and enter the information into the database before separating the folio. In this scenario, one station would record on the minute sheet the volume and folio numbers and enter the information into the database. Two copies of the minute sheet could be produced. One copy would accompany the folio for Kampala, and the other would be kept with the folio that remains in the Ministry.
- 5 For folios that do not belong to Kampala District, the staff member will:
 - 5.1 pass the volume consisting of folios not belonging to Kampala to the Ministry data entry clerk (track movement)
 - 5.2 data entry clerk will check database for duplicates
 - 5.3 enter data into index
 - 5.4 record the volume and folios on a transfer file list that will accompany the records to the Leasehold and Freehold Registries
 - 5.5 bind with archival tape all the folios from a single volume that do not belong to Kampala, with the minute sheet on top
 - 5.6 pass the bound volume that does not belong to Kampala to the filing clerk
 - 5.6 filing clerk will place volumes in sequential order, sign off on the transfer list
 - 5.8 store all volumes in storage boxes for transfer at the end of the day
 - 5.9 transfer boxes to the Leasehold and Freehold Registries (track movement)
 - 5.10 staff in the Leasehold and Freehold Registry must sign for the safe arrival of the boxes
 - 5.11 place the bound volumes in sequential order on the shelves (the purpose is to condense the remaining volumes in this facility to recoup space.

NOTE: carbon paper might be used to reduce the amount of copying of lists.

- 160 Files that are being transferred to Kampala should be stored in boxes and locked up in the Mailo storage rooms. Boxes should be transferred to the Kampala City Council (KCC) Facility on Tuesdays and Thursdays. Two copies of a master transfer list should be made that list each box and its contents. Boxes should be ticked off against the first copy of the master list as they are being loaded into the transportation vehicle. The clerk responsible for the boxes while they are custody of the Ministry should sign off the master list after the boxes are loaded in the van and the van is sealed. The driver of the van should sign off that these boxes were received and are now in his custody. The second copy of the master list (unticked and unsigned) should be given to the driver.
- 161 When the van reaches KCC, the KCC land registry clerk with responsibility for the records should sign that the van is sealed and tick off the boxes received against the master list. Once all the boxes are received and deposited into the KCC facility. The driver should sign that the boxes were delivered.
- 162 Twice a week the supervisor should make a comparison between the first and second copies of the master lists and if they are correct file them. If not, he/she should investigate.

The Mailo Registry

- 163 The process of reorganizing and transferring the Mailo records will require sorting the records that pertain to Kampala from those that pertain to Mpigi and Wakiso districts. In the case of Certificates of Title, that process will not be too time-consuming or difficult because all the Certificates are organized in binders according to block and plot number. The district in which the plot is located should be reasonably easy to determine based on information on the face of the Certificate.
- 164 The process of sorting the instruments in the Mailo registry will be much more time-consuming and difficult because the instruments are filed in chronological order, not according to block and plot number. Instruments that relate to Kampala are mixed in files with instruments that pertain to Mpigi and Wakiso. There are two possible methods for sorting the instruments. First, one could start with the most recent instrument and attempt to sort the instruments according to block and plot numbers. This approach is probably impractical because it would require an enormous amount of space in order to have enough room to keep the instruments from so many different plots in separate piles. The second approach would be to start with the first Certificate of Title and pull the instruments that pertain to that Certificate (this would be possible because the relevant instrument numbers are shown on the Certificate). This would also be time-consuming given that there are an estimated 200,000 Certificates of Title, and 354,100 instruments. The instruments are largely in order. However, when instruments are referred to they are not always returned to precisely their original order. This might add some complication to this task.

- 165 Consideration should be given to whether sorting the instruments is cost efficient or whether it might be preferable to re-organize them in numerical order and re-file them in new files, but not sort them. In considering this issue, it is important to remember that the Certificate of Title is the legally binding record of title. The instruments are supplementary documents. They are normally only referred to in cases in which there is some ambiguity on the Certificate of Title. Registry staff provide anecdotal evidence about the frequency of use of the instruments, however accurate numbers should be obtained to allow authorities to make an informed decision about whether to sort or not.
- 166 If a decision is taken against sorting the records, an appropriate agreement should be drafted between the Kampala authorities and the Mpigi and Wakiso authorities in which Kampala will undertake to store the instruments on behalf of the other districts. If at some later time it is determined that sorting is necessary and that adequate resources are available, the instruments could be sorted then.
- 167 The meeting recommended in paragraph # should address whether an agreement could be made where Kampala will take custody for Mpigi and Wakiso materials pending a decision on whether or when to sort. In the meantime, a register should be implemented to gather statistics on how frequently instruments are used. A decision can then be taken based on this data and the cost of sorting the records.
- 168 The methodology recommended for processing and transferring the Mailo records is largely similar to the one outlined for the Leasehold and Freehold records. How they are selected will differ according to which option described above is chosen.

Other Issues and Observations

- 169 ***Strong supervision is critical to the success of this project.*** One individual (a Ugandan senior Government official) should be designated to supervise this process and to be held accountable for the progress of the work. The person should probably be designated by the Ministry or by the Ministry and the LSSP Task Force jointly.
- 170 Posters should be produced that outline this process simply and clearly.
- 171 Posters listing the former counties and districts that comprise present day Kampala District will be required to aid the rehabilitation team in identifying Certificates and instruments to be transferred.
- 172 It will be critical to maintain an audit trail for accountability purposes in order to reduce mistakes and, if necessary, rectify problems later.
- 173 There is a need to improve training in records management practices in the Land Registries. In particular all staff should be trained in basic records management procedures, including regular housekeeping practices, the recognition and identification of missing instruments, loose pages and the need for re-folding. At least one member of the senior records staff should be qualified beyond the non-graduate level to ensure that the new practices and facilities are sustainable.

- 174 Registry staff will need to continue to work throughout this process. As a result, tight control must be maintained to allow staff to track records when required. It is recommended that this process begin with an intense ‘workshop’ where the last 3-5 years of records are identified, processed and transferred to allow the Kampala City Council facility to begin working. Once this achieved, the core records rehabilitation team can be split in half, with 5 working to clear the remaining Mailo records and 5 working to clear the remaining Leasehold records. Enough space should have been cleared in each Registry to accommodate this process on site.
- 175 Initially, the project should only address one registry at a time to prevent further confusion of the records. It is recommended that work begin in the Mailo Registry, followed by the Freehold Registry and then finally the Leasehold Registry. Starting with the Mailo records is recommended because they should be more straightforward than the other records. It is recommended that Leasehold records be done last because this will allow the processing team to search for leasehold records that apply to the same plot as a Mailo or Freehold record. This is likely to occur reasonably frequently because in cases in which a Mailo or Freehold plot is leased, the lease would be registered in the Leasehold registry.
- 176 It is recommended that the rehabilitation and transfer process occur in the following sequence:
- Phase I: Intensive Rehabilitation Workshop
- Last 3-5 years Mailo Records (Weeks 1-4)
All Freehold Records (Weeks 5-7)
Last 3-5 years Leasehold Records (Weeks 8-11)
- Phase II: Rehabilitation of Remaining Records
- Leasehold records (Weeks 12 – 19)
Mailo records (Weeks 12 – 19)
Mailo archives (Weeks 20 – 25)
- 177 It is useful to note that the Land Registry, under the control of the Department of Land Inspectorate, recently sorted all of its land records according to district. The volume of records held in this registry is roughly equivalent to the total volume of Mailo records. The sorting exercise involved eight staff members working full-time for five days. Staff recalled it taking approximately four months to accomplish their goal.

Monitoring and Evaluation

- 178 During the rehabilitation process monitoring must be continuous. A monitoring team consisting of a senior land registration official, a member of the LSSP Task Force, and a member of the Records and Information Technology Department of the Ministry of Public Service, with oversight by an external consultant, should evaluate progress weekly against agreed performance targets and milestones. A report should be submitted every fortnight.

- 179 After the rehabilitation process is complete and the new facility established, frequent contact with records offices is essential if the new systems and improvements are to be sustained. A monitoring group should consist of a senior land registration official, a member of the LSSP Task Force and a member of the Records and Information Technology Department of the Ministry of Public Service. Monitoring can be achieved by visiting the registry at least once a month and having regular contact by telephone.
- 180 It is recommended that the monitoring group and the external consultant, as a matter of urgency, draw up a monitoring program so that the group can begin working according to a plan and targets. The Commissioner of Land Registration, the LSSP Task Force and a representative of USAID/SPEED should agree the program.

Commodities Required

- 181 See Appendix J for a commodities list.

Next Steps

- 182 It is recommended that a meeting of stakeholders (including the Commission or Land Registration, the LSSP Task Force, and representatives of KCC and USAID/SPEED) be convened to discuss the recommendations in this report and resolve some of the critical issues that affect implementation of those recommendations. Among the issues to be considered are:
- Deciding whether microfilming or scanning of records is desirable as a means of preserving existing records, and if so, undertaking any legal changes necessary to permit such microfilming or scanning.
 - Agreeing the location of the zonal land offices and which counties/districts will comprise a zone to allow the transfer of land registration records to new locations.
 - Beginning to design the country's Land Information System, including choosing the software that will be used. This is important to ensure compatibility with systems used to retrieve and manage the land registration records.
 - Agreeing precise format of Plot Identification Numbers (PINs). An early decision is essential for computerizing the indexing of land registration records.
 - Deciding whether there are sufficient benefits in making a 'preservation copy' of the Certificates of Title prior to their being distributed to the zonal or district offices.
 - Agreeing indexing terms for the computerized index to ensure that the right retrieval points are selected to meet users' needs and to make sure there is an appropriate 'trade off' between effort of data entry and benefit.

- Resolving how to handle records that relate to properties in Mpigi and Wakiso Districts but are currently housed at the Mailo Registry in the Ministry of Water, Lands and Environment, and taking account of any sensitivities involved in Kampala City Council taking custody of these records (tied to this are issues of space available at the Kampala City Council facility).
- Deciding the length of time the remaining records are likely to continue under the custody of the Ministry before being transferred to district or zonal offices.
- Deciding whether there should be a consultative process with the Bar Association, and other professional bodies and interest groups on the need to introduce regulations or even legislation to protect privacy

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APPENDIX A

Summary of Meetings: SPEED Project, Land Registry Component

10 August 2001

Mr R Gaynor, Consultant

Overview and orientation to the project, and to the land tenure conditions and reform activities in Uganda. In particular, much time was spent clarifying issues raised by the previous consultancy reports, including the Greenwood Report and the Swede Study.

Mr J Tibisaasa, Commissioner for Land Registration

General introduction and overview of past efforts and key immediate concerns.

Mr R Opio, Chief, Mailo Lands Registration, Kampala District

Mr W Ochieng, Senior Clerical Officer, Mail Lands Registration, Kampala District

Provided a brief overview of the Mailo Registry, including a tour of the main storage areas and the new facility being prepared for their use in the Kampala City Council.

Mr A Settimba, Office Superintendent, Town Clerks Department, City Hall

Provided an overview of the new registry facility in Kampala City Hall.

Ms J Nabirye, Supervisor and Senior Cartographer, Kampala Drawing Office

Provided an overview of the key functions of the Drawing Office and storage areas for maps. The Drawing Office is chaotic and many of the cadastral maps seen require preservation attention. The Entebbe Department of Mapping and Surveying can reprint new non-annotated maps, which could provide one alternative to preserving the maps in the Department. However, there is an issue of cost that must be considered.

Ms J F Kasirye, Senior Assistant Records Officer, Freehold and Leasehold Registration

Provided a brief overview of the freehold and leasehold Registries, including a tour of the main storage areas. An appointment was made to discuss the processes further.

Mr D Kiwanuka, Project Coordinator, Land Act Implementation Unit

General introduction and overview of past efforts.

13 August 2001

Mr R Okusam, Asst. Commissioner Records & Information Systems, Min. of Public Service

General introduction and request for copies of general records schedules and information on suppliers and service providers. Arranged to meet formally later in the week.

Mr S Kisingiri, British Council

General introduction and request for information on local suppliers and service providers. Mr Kisingiri works with Mr Okusam on the Records Management Project Phase III.

Mr D Kiwanuka, Project Coordinator, Land Act Implementation Unit

Plans to visit the Department of Mapping and Surveying in Entebbe were confirmed and arranged.

Mr R Gaynor, Consultant

Further discussions with Mr Gaynor with respect to the broad goals of land reform in Uganda and the policy, legislative and regulatory environment that governs land tenure in this country.

Initial brainstorming discussion on introducing a common indexing system based on block number and plot number or street address (in the case of some urban lands). The logistics of sorting the records was also discussed and ideas brainstormed.

14 August 2001

Mr J Tibisaasa, Commissioner for Land Registration

Mr R Opio, Chief, Mailo Lands Registration, Kampala District

Mr Opio gave a general orientation to the Mailo 'archives' rooms. The records in the 'archive' date back to 1904. Mr Tibisaasa provided an overview of the history of land registration and Mr Opio illustrated this with some of the records held in the 'archives stores'.

Mr Opio and I sketched the two rooms and took measurements to obtain the approximate linear footage of records held in these facilities.

Mr Tibisaasa discussed the legislation that affects the keeping of land records, including the Evidence Act and Limitations Act.

The need for a system of control that prevents the removal or records from the registry was discussed.

Future plans for the general direction of land titling in Uganda were considered.

NOTE: the death of a staff member in the leasehold/freehold prevented any opportunities to commence work in these registries.

Mr R Gaynor, Consultant

Discussion continued regarding the development of a Microsoft Access database to automate the registry indices for the Mailo, freehold and leasehold registries.

The relationship between the Kampala Drawing Office and the land title registries was explained further.

Preliminary plans were agreed for a program of work for restructuring the title registries.

15 August 2001

Mr Bwogi, Acting Commissioner Lands and Survey, Department of Mapping and Surveying; additional staff interviewed include: Mr J Kitaka, Senior Staff Cartographer; Mr J F

Onyango, Senior Cartographer, Cadastral Drawing Office; Mr C Nantalima, Cartographer, CAMPUS Project; Mr J Tumwesigye, Photographer I; Mrs C Kijjambu, Assistant Records Officer

The main vital records of the Department were identified as: survey records, records of geodetic control points and the topographic (ie vertical) maps.

Mr Bwogi provided a brief overview of the purpose of the Department. This was followed by a tour of the various sections. Individuals were introduced in each of the sections and we discussed the processes and the issues that pertain to the creation and management of the records created and received by the Department.

The backlog of surveys waiting checking was raised as an issue.

All of the storage areas for the vital records were visited. Particular attention should be paid to the storage of photographs and film in the Large Scale Digital Mapping Section. It was claimed that the film and photographs dated back to the 1930s. If this is the case some of the old film reels might be combustible if they are stored on silver nitrate film, which can ignite under the right environmental conditions.

The procedures for backing up the data from the Demeter system being used in the CAMPUS project, and other software used elsewhere (including Autocat and ArchView) are inappropriate. Back-up tapes are made only (speculatively) every three months. These back-ups are stored on site in the room next door and storage conditions are not ideal. There is no program for storing tapes other than to use the physical tape until it wears out and store these on a shelf.

All digitising of the Kampala district has been put on hold until the issue of the plot identification number (PIN) is resolved.

Mr Bwogi identified the priority problems as being the lack of large scale scanning facilities in the country and the indecision over the development of a unique PIN number for the entire country. He reiterated that Kampala, in particular, is very complex from a numbering standpoint in that all three types of land tenure are present (ie Mailo, Leasehold and Freehold) and the issue of some titles referencing block and plot numbers and other referencing block numbers and street addresses.

Mr J Tibisaasa, Commissioner for Land Registration

Provided the necessary introductions to staff in the leasehold and freehold registries.

16 August 2001

Mr R Okusam, Asst. Commissioner Records & Information Systems, Min.of Public Service

The main provisions of the Archives Act 1991 were discussed, along with the National Archives Strategy Plan. Mr Ocusam provided an overview of his department's recent activities. Copies of the draft general records schedules were requested and arrangements were made to meet again later in the week.

Ms J F Kasirye, Senior Assistant Records Officer, Freehold and Leasehold Registration

Worked with Ms Kasirye to sketch the leasehold and freehold registries. Measurements were taken to obtain an estimated linear feet of records held in the four rooms.

Mr J Tibisaasa, Commissioner for Land Registration

The preliminary plan for sorting and processing the Mailo, Freehold and Leasehold registries were presented. Mr Tibisaasa expressed concern about the scanning of the certificates of title and the writing up and presentation of the proposed process. Changes to the format of the presentation were agreed and concerns about the scanning of the certificates were discussed at length. Of particular concern was the proposal that the certificates only be scanned to obtain a picture in time of the certificate, which are in very poor condition. A replacement certificate could then be printed on stronger paper (or acid-free archival paper) and the original that is falling apart can be cancelled.

The need to retain a paper-based system with an automated index was identified as a goal. If the older decaying certificates are to be replaced with new copies generated from the scanned image, then it was agreed that there would have to be an amendment made to the existing legislation. The alternative of carrying on as is until agreement has been reached on an LIS system and data capture begins was also considered.

17 August 2001

Mrs Brenda Karebo, Principal Personnel Officer, Ministry of Water, Land and the Environment

The current scheme of service for all staff with responsibility for land records was identified and discussed. No staff in either the Mailo, Leasehold or Freehold registries have professional qualifications. The highest promotional level reached by any current staff member is the non-graduate Senior Assistant Records Officer position.

Either the Uganda Management Institute or the Uganda Management Training and Advisory Centre handle training. The public service organizes courses for the different cadres through these institutions and then invites a few civil servants to attend at a time. A recent training assessment identified the need for a three-year training program to be coordinated by the Ministry of Public Service for all common cadres. Individuals from the Mailo registry are not eligible as they are now under the direction of the Kampala City Council. Leasehold and freehold registry staff, however, can obtain a certificate of attendance for participation in courses on registry procedures and so on. A diploma program is also now available at the Uganda Management Institute.

Mr R Ocusam of the Ministry of Public Service held recently a sensitization seminar at the Ministry of Water, Lands and the Environment to raise awareness of the new Archives Act and to educate public servants on the need to keep good records.

The issues of remuneration and promotion were also considered.

Ms J F Kasirye, Senior Assistant Records Officer, Freehold and Leasehold Registration

Much time was spent documenting how queries are answered and transactions are carried out in the registry, what records are created and received by the registry as a result of these processes and identifying the documentation controls on these records.

The problem of identifying the volume of records belonging to Kampala district and that will be physically moved to the KCC facility remains unresolved. Ms Kasirye has no known ability to help with the identification of the percentage of records belonging to Kampala. Ms Kasirye suggested I speak with Ms Elizabeth Laker in the Department for the Land Inspectorate.

Mr W Ochieng, Senior Clerical Officer, Mailo Lands Registration, Kampala District

Measurements were taken of the two main Mailo registry storage rooms to determine approximate linear feet of records held in the registry. A problem similar to that in the leasehold and freehold registries was identified: it is extremely difficult under the current system to identify in a meaningful way the amount of records that will be transferred to KCC. Mr Ochieng is not able to resolve this issue on his own.

Ms Regina, Senior Clerical Officer, Mailo Lands Registration, Kampala District

The process by which queries are answered and transactions carried out was documented in detail.

The problem of determining the volume of documents pertaining the Kampala district was raised. The folios mix districts. I carried out two sampling exercises; neither was useful for determining an approximate volume.

Ms E Laker, Department of Land Inspectorate

At the suggestion of Ms Kasirye, I spoke with Ms Laker about the issue of determining how best to estimate the volume of records for Kampala District. The belief is that if we can determine the volume of files in the Land Registry that pertain to Kampala district we can make a best guess at the ratio of land title files to land registry file (eg there are approximately three land registry files for each file on that plot in the Land Registry). Ms Laker took me to the Land Registry for a brief overview and she instructed me to return to see her on 21 August 2001 to follow-up on whether she is able to obtain a count of the Kampala files in the Land Registry.

20 August 2001

Mr R Okusam, Asst. Commissioner Records & Information Systems, Min.of Public Service

Briefed Mr Okusam about progress on the project. Discussed areas of overlap between what the land and company/documents registry restructuring exercise are trying to achieve and what his program is aiming toward. An agreement was made to bring the relevant stakeholder from the Ministry of Public Service and from the SPEED project together to discuss areas of co-operation.

Suppliers and service providers used by Mr Okusam for the restructuring of the open registries in the ministries throughout government were provided to me. Methodologies used during the decongestion of these registries were discussed in full. Much of the methodology will not apply in the context of the land and company registries, but the use of a quantity surveyor may prove to help in resolving the issue of quantity title records for Kampala district.

21 August 2001

Ms Regina , Senior Clerical Officer, Mailo Lands Registration, Kampala District

Spoke briefly to confirm the issue of the interleaving of Kampala, Mpigi and Wakiso district files in the instrument files.

Regina also provided entrée to view the Ministry of Water, Land and the Environment's open registry. This registry was restructured by Mr Ocusam's project. The purpose was to view the shelving and file covers used. The shelving is adequate, but not ideal and the file covers are too flimsy.

Ms E Laker, Department of Land Inspectorate

Ms Laker was unable to obtain the data on the number of Kampala district files in the Land Registry as she is not authorized to request registry staff to do the work. I will need to contact Mr Tibisassa for advice on how to proceed. Mr Tibisaasa was not available to consult this afternoon.

Mr C C Muyingo, Acting Director, Efficiency and Quality Assurance Directorate, Ministry of Public Service

Mr R Okusam, Asst. Commissioner Records & Information Systems, Min.of Public Service

Mr D Veal and Mr B Jameson from the SPEED project were also present. Mr Veal provided an overview of the SPEED project, I presented an overview of the situation with the land and company registries and where co-operation would be most useful from Mr Ocusam's area. These areas include training, the development of records schedules, and general input as the official with responsibility for current records in government. Mr Jameson introduced the issue of the new Archives Act and raised areas of concern as to how the Act relates to the work of the company registry. It was agreed that SPEED will write to the Ministry of Public Service to request formally Mr Okusam's input. The need for additional meetings, particularly between Mr Okusam, Mr Jameson and myself were agreed and will be arranged the following day.

22 August 2001

Mr J Tibisaasa, Commissioner for Land Registration

Arranged a visit to Mukono Land Office for Monday, 27 August 2001, to view one of the land offices next on the list for transfer following Kampala City Council.

Agreed to meet the following week for discuss further my findings.

Agreed to the benefit of involving Robert Ocusam from the Ministry of Public Service where appropriate in the project (eg training).

Mr Tibisaasa raised again his deep concerns regarding the prospect of scanning certificates. He argued his preference for merely retyping a Certificate where an original is significantly damaged.

With regard to the problem of determining the volume of files for Kampala district, Mr Tibisaasa agreed that Ms Laker's plan to count the files in the Land Registry and then assume

a ratio of 3:1 was useful. Mr Tibisaasa therefore referred me to Ms Catherine Mulinde Mukasa-Kinta, Principal Land Inspector.

Ms Catherine Mulinde Mukasa-Kinta, Principal Land Inspector, Land Inspectorate Division
Ms Mukasa-Kinta agreed to instruct the Land Registry to count the Kampala files on the agreement that I view the Land Registry and Map Registry. I agreed to view these registries, but was clear that it is not within my remit to plan for their restructuring and transfer. The total number of Kampala files will be compiled by Friday, 24 August 2001.

23 August 2001

Bhoomi Enterprises Ltd
Delux Stationers
Eliana Agencies
Prime General Supply
Prime Index
The Leading Edge

Investigating availability of stationery.

Kazinga Channel
Multiple Options
Prime Index
Supreme
Roko Kawempe

Investigating availability of shelving and counters.

24 August 2001

Ministry of Water, Land and the Environment
Kampala City Council
Photographing Mailo, Leasehold and Freehold Registries and KCC facility.

Verifying file contents in registries

Verifying registry procedures and the document controls on the records.

Ms Catherine Mulinde Mukasa-Kinta, Principal Land Inspector, Land Inspectorate Division
Further discussion of how best to determine the volume of Kampala district files in the Leasehold Registry. The figures requested were not made available. Therefore, Ms Mukasa-Kinta and I went to the Land Registry and made a rough count. Ms Mukasa-Kinta also showed me the Map Registry in the Ministry.

Mr W Ochieng, Senior Clerical Officer, Mail Lands Registration, Kampala District

Discussed which counties exactly comprise what is now Kampala District in order to ensure that all Certificates and instruments rightly under the custody of KCC will indeed be identified and transferred.

27 August 2001

Ms Sarah Kulata Basangwa, Advocate and Registrar of Titles, Mukono Land Office

Mr Daryl Veal also present. The purpose of this visit is to view one of the land offices that in Mr Tibisaasa's opinion is likely to be one of the next offices to be converted after the KCC facility is in place. This will offer some perspective on what degree of investment should be made at the Ministry to house the Certificates and instruments until the programme under development is rolled out to the other offices.

Ms Kulata Basangwa provided a overview of the Land Office's function and background, including the number of transactions processed per month.

Staff issues were discussed, including the rank, training and remuneration of staff with responsibility for the records.

Ms Kulata Basangwa's understanding of future plans was also raised.

Mr Karim N J Mawji and Mr Jones Lukose, TRIM Consultants, Computerland (U) Ltd.

Discussed whether TRIM was an option of consideration when automating the registry's index.

Mr R Okusam, Asst. Commissioner Records & Information Systems, Min.of Public Service

Further discussions on the capacity of this department to provide guidance and support for the processing and transfer of the Mailo, Leasehold and Freehold registries. Remuneration for short-term casual workers and incentives for registry staff were raised. The content of current registry procedures training and the Registry Procedures Manual were examined.

28 August 2001

Ms Elizabeth Nassali, Sales Representative, and Mr John Masinga, Tumpeco Ltd.

Discussed specification for shelving and requested a quotation.

Steven Mukwana, Uganda Printing and Publishing Company

Discussed availability of more durable file covers for the registry. UPPC has supplied file covers to the central registries in government in the past. He will provide a quote.

Mr Jude Mechery, MFI Office Solutions

Discussed the provision of computer hardware, software and peripherals.

Ms. Helen Anokboungo, Commissioner, Uganda Computer Services

Mr Moses Yolyanaye, Assistant Commissioner / Customer Practices, Quality Services

Mr Mofaht Nasaba, Senior Quality Analyst

Mr Othello Wilbert, Senior Customer Services Representative

Mr Arthur Mngweri, Senior Practices Analyst

Discussed the feasibility of UCS developing the automated index for the registries in either Microsoft Access or Microsoft SQL with an Access front. The provision of training was also considered. UCS has facilities to train 7-10 people at one time. It was agreed that training should begin with computer skills (ie how to turn on a PC and use the keyboard and so on) through an introduction to Microsoft Windows to how to use the database that is developed.

Mr R Okusam, Asst. Commissioner Records & Information Systems, Min.of Public Service

Toured the Mailo, leasehold and freehold registries with Mr Okusam to discuss further plans for the processing and transfer exercise to obtain his opinion on the feasibility of the proposed plans.

Mr J Tibisaasa, Commissioner for Land Registration

Telephone conversation with Mr Tibisaasa to review briefly his concerns with regard to the proposed program of work and insure that they are addressed in the report.

29 August 2001

Mr Steven Kisingiri, British Council

Mr Kisingiri has been involved with DfID records programs in the past. He was consulted on the basis of his experience with particular vendors and supplies in the past. Recommendations were obtained.

A.L Yadave, Amrat Limited

Quotations for supplies were obtained.

Mr Karim N J Mawji and Mr Jones Lukose, TRIM Consultants, Computerland (U) Ltd.

Follow-up discussion on the requirements for the automated index.

Mr Jude Mechery, MFI Office Solutions

Follow-up on requirements for quotation.

Ms Elizabeth Nassali, Sales Representative, and Mr John Masinga, Tumpeco Ltd.

Follow-up on quotation for shelving.

Steven Mukwana, Uganda Printing and Publishing Company

Follow-up on quotation for file covers.

APPENDIX B

Legislation Affecting the Management of Land Records in the Government of Uganda

The following legislation was reviewed, but not all proved useful:

- The Land Act, 1988; The Land (Amendment) Act, 2001
- The Registration of Title Act, 1924
- The Survey Act, 1939
- The Public Lands Act, 1969
- The Land Reform Decree, 1975
- The National Records and Archives Act, 2001
- The Evidence Act
- The Limitations Act.

Extracts from the legislation that affect the creation, receipt and management of land *records* in the Government of Uganda are summarised below.

The Land Act, 1998 and The Land (Amendment) Act, 2001

The Act makes no substantive statements about responsibility for land records and/or the length of time that land records must be kept. The only exception is section 69 (2) and (3) of *Land Committees* which states that

- (2) The Recorder shall be responsible for keeping records relating to certificates of customary ownership and certificates of occupancy.
- (3) For the purposes of subsection (1) of this section, in the case of –
 - (a) a rural area, the Sub-county Chief shall be the Recorder;
 - (b) a gazetted urban area, the Town Clerk shall be the Recorder;
 - (c) a division of a city, the Assistant Town Clerk in charge of the division shall be the Recorder; and
 - (d) a copy of each certificate referred to in subsection (2) shall be deposited with the Board.

With regard to proposals for preparing a preservation copy and replacing damaged Certificates of Title, Part VI – Miscellaneous, section 92, subsection 1 states that '[s]ubject to the provisions of the Registration of Titles Act, the Registrar shall, without referring a matter to Court or a District Land Tribunal, have power to take such steps as are necessary to give effect to this Act, whether by endorsement or alteration or cancellation of certificates of title, the issue of fresh certificates of title or otherwise.' However the circumstances under which a fresh certificate can be issued does not include the physical deterioration of the original.

The Registration of Titles Act, 1924

Part II, section 6 states that “The Registrar shall cause to be kept a seal bearing the impression of the Armorial Ensigns of Uganda and having inscribed in the margin thereof the words “Office of Titles, Uganda”; and all certificates of title and other documentation purporting to be sealed with such a seal and to be signed by the Registrar or by a Deputy or Assistant Registrar shall be admissible as evidence without further proof.’

Part III, section 29 states that ‘[t]he Registrar shall keep a book to be called the “Record Book” in which shall be kept a record of all deeds and documents produced and used in support of each application to bring land under this Act which hereafter is granted. Such record shall state briefly the nature and date of and parties to every such deed or document, by who executed or signed, and whether registered under the land Regulation, the Registration of Documents Ordinance, 1904, or the Registration of Documents Act, or not, and if registered the date of such registration; and the Record Book shall be open for inspection by the public during the hours and days of business on payment of the prescribed fee.

Part IV, section 38 describes the Register Book. It states that:

- (1) [t]he Registrar shall keep a book, to be called the “Register Book” and therein shall register certificates of title, and shall enter in such manner as to preserve their priorities the particulars of all dealings and matters affecting the land by this Act required to be registered or entered.
- (2) The Registrar may –
 - (a) keep the Register Book, or any part thereof, in such loose leaf or other form as he may consider appropriate;
 - (b) keep the Register Book in parts, each relating to a district, county, sub-county, or other convenient area.
- (3) Every person whose name is entered in the Register Book as proprietor of any land, or any interest in land, or as a caveator, or as entitled to receive any notice, or in any other capacity, shall furnish to the Registrar a place of address in Uganda.

Section 39 describes the way in which Certificates of Title should be kept:

- (1) Certificates of title shall be in one of the forms in the third Schedule to this Act, and shall be in duplicate. One of the certificates shall be registered in the Register Book, and the other original (hereinafter called the duplicate) shall be issued to the person entitled thereto.
- (2) Each certificate of title shall constitute a separate folium of the Register Book.
- (3) Whenever it shall appear expedient to the Registrar he may cancel the certificate of title registered in the Register Book and may register a certificate of title in any of the forms prescribed under this Act and in lieu thereof:
Provided that the Registrar shall not issue any such new certificate until the duplicate of the certificate cancelled under the provisions of this subsection is in his hands.
- (4) Where the Register Book is kept in parts under the provisions of paragraph (b) of subsection (2) of section 38 of this Act, the Registrar shall –
 - (a) file each certificate in the appropriate part of the Register Book, by reference to the location of the land in respect of which such certificate is register; and
 - (b) enter upon such certificate a reference to the block and plot number of the land in respect of which such certificate is registered, as shown on a plan approved by the Commissioner of Lands and Surveys.

- (5) Where the Registrar has entered upon a certificate a reference to the block and plot number under the provisions of subsection (4) of this section, reference in this Act to a volume or folium of the Register Book shall be construed as references to such block or plot number, as the case may be.

Section 65 might affect the tracing of documents. It states that '[s]uch reference¹⁰ shall be noted in the Register Book and on instruments filed hereunder as will allow the title to be traced either downwards form or upwards to the original certificate of title...'

Section 71 refers to copies of lost or destroyed certificates. According to this section '[I]n the event of any original certificate of title being lost or destroyed or so obliterated as to become illegible, the Registrar may cause a copy thereof to be prepared and to be endorsed with all such entries as were upon the original so far as the same can be ascertained from the records of the office and other available information and shall make and sign a memorandum upon such copy stating that the same is a substitute to be used in place of the original, and what has become the original so far as know or supposed, and from the date of such copy being so signed the same be bound up in the Registrar Book and used in place of the original for the purpose of dealings.

Section 155. (1) affects the authenticity of a document. It states that 'Instruments and powers of attorney under this Act signed by any person and attested by one witness shall be held to be duly executed, and such witness may be – '(the act goes on to cite what constitutes witnesses. Tied to this, section 156 states that '[n]o instrument or power of attorney shall be deemed to be duly executed unless either –

- (a) the signature of each party thereto is in Latin character; or
- (b) a transliteration into Latin character of the signature of any party whose signature is not in Latin character and the name of any party who has affixed a mark instead of signing his name are added thereto by or in the presence of the attesting witness at the time of execution, and beneath such signature or mark there is inserted a certificate in the form in the Eighteenth Schedule to this Act.'

Section 158 addresses the issue of the authenticity of surveys. It says '[o]n or after a date to be specified by the Minister by statutory instrument all surveys required by the Registrar with the requirements of the Commissioner of Lands and Surveys and no plans shall be accepted by the Registrar unless they have been authenticated by the signature of the Commissioner of Lands and Surveys or someone authorised by him in writing.

Section 178 outlines the powers of the Registrar. With respect to the authenticity of records it states specifically that '[t]he Registrar may exercise and shall perform the following powers and duties –

- (a) to correct errors in the Registrar Book or in entries made therein or in duplicate certificates or instruments, and may supply entries omitted to be made under the provisions of this Act, and may make amendments consequent upon alterations in names or boundaries; but in the correction of any such error or making of any such amendment he shall not erase or render illegible the original words, and shall affix the date on which such correction or amendment was made or entry supplied and initial the same; and every error or entry so corrected or supplied shall have the like validity

¹⁰ The history of various dealings affecting the land to be preserved.

and such effect as if such error had not been made or such entry not omitted, except as regards any entry made in the Register Book prior to the actual time of correcting the error or supplying the omitted entry;’

Act 12

The National Records and Archives Act, 2001

The National Records and Archives Act is ‘[a]n Act to provide for the rationalised management of all Government and other public records and archives under one single authority, for the preservation, utilisation and disposal¹¹ of such records and archives, for the repeal of the Record (Disposal) Act, and for other connected matters.

The Act defines the following terms:

Record means ‘recorded information regardless of form or medium created, received and maintained by any institution or individual under its legal obligations or in the transaction of its business and providing evidence of the performance of those obligations or that business.’

Public records means ‘records of an official nature belonging to the Republic of Uganda –

- (vi) created, received and maintained in any past, present or future organ of State;
- (vii) created, received and maintained in any past, present or future public corporation or parastatal organisation;
- (viii) created, received and maintained in any past, present or future local government;
- (ix) in the custody of the Government Archivist at the time of coming into operation of this Act;
- (x) declared to be public records by the Minister by regulations under section 31 of this act.’¹²

Current records are ‘records regularly used for the conduct of the current business of an institution or individual.’

Semi-current records are ‘records required only infrequently for the conduct of current business and for the purposes of this Act, files or other assemblies of records on which no action has been recorded for five years shall be regarded as semi-current records.’

Archives are ‘records of enduring value selected for permanent preservation.’

Registry means ‘the place where current records are managed or maintained.’

¹¹ Disposal refers to either the transfer or destruction of records in accordance to the ‘retention and disposal schedule’; this is ‘a document describing the recurring records of an institution or administrative unit of that institution, specifying which records should be preserved permanently as having enduring value as archives and authorising on a continuing basis and after the lapse of prescribed retention periods or the occurrence of specified actions or events, the disposal by destruction or other means of the remaining records.’

¹² Section 31 states that ‘The Minister may and on the advice of the Advisory Committee make regulations for giving full effect to the provisions of this Act.’

The Act provides the establishment and functions of a National Records and Archives Agency (Section 4). The functions of the Agency are (Section 5) –

- (a) to ensure that organs of State¹³ follow good practices in managing public records containing information in all media or formats, including those in electronic form;
- (b) to establish records centres for the maintenance and provision of official access to semi-current records, one of which records centres shall meet minimum standards for housing classified documents up to and including secret level;
- (c) to establish and implement procedures for the timely disposal of public records of no continuing value and for the transfer of public archives for preservation in the National Archives, in any other archival repository under the control of the Director [Head of the National Records and Archives Agency] or in a place of deposit established under section 16 of this Act;
- (d) to preserve and make available for consultation, public archives selected for preservation in the National Archives or in any other archival repository under the control of the Director.

Section 7 sets down the responsibilities of the creators of public records for their proper management. It states that the Heads of organs of State shall be responsible for creating and maintaining adequate documentation of the functions and activities of their respective institutions through the establishment of good records keeping practices, including –

- (a) the nomination of a senior officer in each organ of State to superintend the action taken there in respect of this Act;
- (b) the creation and management of current records within appropriate registry systems;
- (c) the implementation of retention and disposal schedules issued in accordance with section 11 (d) and (e) of this Act;
- (d) the transfer of semi-current records into the custody of the Director, except insofar as they may remain classified as secret or top secret on grounds of –
 - (i) national security;
 - (ii) maintenance of public order; or
 - (iii) safeguarding the revenue.

Section 8 goes on to state that ‘Heads of organs of State shall be responsible for co-operation with the Director in the management of semi-current records and in particular for –

- (a) maintaining the integrity of all semi-current records returned temporarily under section 12(b) of this Act;
- (b) approving access, other than by authorised personnel of the Authority and of the organ of State which created them or its successor in function, or as provided for in section 16(1) of this Act, to semi-current records in the custody of the Director;
- (c) maintaining semi-current records whose transfer has been deferred under section 7(d) of this Act in conditions comparable to those provided by the Director in records centres under his or her control;
- (d) implementing retention and disposal schedules relating to semi-current records whose transfer has been deferred under section 7(d) of this Act and transferring records of enduring value into the custody of the Director or to any other place of deposit appointed under section 16 of this Act, not later than twenty years from their creation,

¹³ Organs of State are defined as ‘any institution, body or office established by or under the Constitution.’

except insofar as further deferment of transfer for a specified period may have been approved by regulations made under section 31 of this Act.

Part IV sets down the responsibilities of the Director for the coordination of records management work in the organs of State, with powers of inspection, and in particular for –

- (a) providing professional assistance, advice and guidance on the establishment and management of records systems;
- (b) establishing and ensuring compliance with standards for the management of public records;
- (c) making arrangements for the necessary training of records staff in organs of State;
- (d) drawing up general retention and disposal schedules for approval and issue by the Minister on the advice of the Advisory Committee, which schedules shall be sufficient authority for taking the action specified at the due date;
- (e) agreeing with the heads of organs of State retention and disposal schedules relating to records specific to each such organ of State for approval and issue by the Minister, which schedules shall be sufficient authority for taking the action specified at the due date;
- (f) ensuring the provisions of retention and disposal schedules are implemented;
- (g) authorising the disposal of public records other than as provided for by retention and disposal schedules.

Section 12 goes on to outline issues regarding the Director's accepting custody of semi-current records which have been scheduled for further retention.

Part V of the Act pertains to local government records and access to archives. Section 15(1) states that '[s]ubject to the provisions of this section, the Chief Executive of each Local Government shall be responsible for the management of current records created, received and maintained by that local government in accordance with section 7 of this Act.' Part V goes on to describe further the responsibilities of Local Government with respect to the management of records.

The Evidence Act

The Act defines a document as 'any matter expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, intended to be used, or which may be used, for the purpose of recording that matter.' Documentary evidence means 'all documents produced for the inspection of the court.'

Section 33 states that '[a]n entry in any public or other official book, register or record, stating a fact in issue or relevant fact, and made by a public servant in the discharge of his official duty or by any other person in performance of a duty specially enjoined by the law of the country in which such book, register or record is kept, is itself a relevant fact. Furthermore, section 34 goes on to state that '[s]tatements of facts in issue or relevant facts, made in published maps or charts generally offered for public sale or in maps or plans made under the authority of the Government, as to matters usually represented or state in such maps, charts or plans, are themselves relevant facts.'

Sections 59 through 71 refer to the issue of documentary evidence. Primary evidence as defined in sections 59 and 60 refers to, in effect, the originals. Copies as described in section 61 generally constitute secondary evidence.

Sections 72 through 76 pertain to those documents that are public documents. Section 72 defines public documents as:

- (c) documents forming the acts or records of the acts –
 - i. of the sovereign authority;
 - ii. of official bodies and tribunals; and
 - iii. of public officers, legislative, judicial and executive,

whether of Uganda, or of any other part of the Commonwealth, or of the Republic of Ireland, or of a foreign country;
- (d) public records kept in Uganda of private documents.

Sections 77 through 89 address the issue of the legal admissibility of documents. There does not appear to be any provision for the legal admissibility of electronic (ie digital) records.

APPENDIX C

Land Registration, Mailo Registry

Analysis of Document Flows: Processing Transactions

Mailo Registry

Procedures	Records	Documentation Controls
1.1 Owner obtains and completes transfer form and consent form (often with the help of registry staff).	<ul style="list-style-type: none"> Transfer form Consent form Certificate of Title (owner's copy) 	<ul style="list-style-type: none"> Signature of owner
1.2 Owner takes forms to Valuation Section for assessment	<ul style="list-style-type: none"> Transfer form Consent form Certificate of Title (owner's copy) 	<ul style="list-style-type: none"> Signature, date and value recorded on document

Revenue Authority Cashier's Office

2.1 Owner takes valued forms to Revenue Authority cashier for payment of fees	<ul style="list-style-type: none"> Transfer form Consent form 	<ul style="list-style-type: none"> Stamp from Revenue Authority indicating fee paid
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Mailo Registry

3.1 Registry clerk receives Certificate of Title and instruments and gives owner a 'receipt'	<ul style="list-style-type: none"> Certificate of Title (owner's copy) Instruments 	<ul style="list-style-type: none"> Date stamped
3.2 Senior Clerical Officer logs Certificate and instruments in Lodgement Book	<ul style="list-style-type: none"> Certificate of Title (owner's copy) Instruments Lodgement Book 	<ul style="list-style-type: none"> Lodgement Book records: instrument number; date; time; nature of instrument; county; block no; plot no; intending owner; registration fee; how charged (ie Kampala or Mpigi Cashier's office); stamp duty; value of property Instrument number written on instrument
3.3 Owner's copy of Certificate of Title and instruments handed over to clerk in charge of the strong room. The clerk stamps the documents, pulls the Registry copy of the Certificate of title and any instruments on file and sends this with the newly submitted instruments and owners copy of the Certificate of Title to the Registrar	<ul style="list-style-type: none"> Certificate of Title (Registry copy and owner's copy) Instruments 	<ul style="list-style-type: none"> Dated stamp from Registry

3.4 Registrar accepts or rejects the instrument (one test is to compare the signatures on the newly submitted instruments to those already registered). If the instrument is rejected, the Registrar will write to the owner. If the instrument is passed, the Registrar will cross out 'reject' on the stamp and sign and date the documents.	<ul style="list-style-type: none"> • Certificate of Title (Registry copy and owner's copy) • Instruments 	<ul style="list-style-type: none"> • Registrar's signature and date
3.5 Owner's copy of Certificate of Title and instruments handed back to clerk in charge of strong room who handwrites instrument number and relevant information on the Registry copy of the Certificate of Title (under Part II or Part III). The Registry's copy of the instrument is filed according to instrument number.	<ul style="list-style-type: none"> • Certificate of Title (Registry copy and owner's copy) • Instruments 	<ul style="list-style-type: none"> • Instrument number recorded on Certificates of Title
3.6 Both copies of the Certificate of Title are sent to the typist. Changes are typed on the owner's copy of the Certificate of Title.	<ul style="list-style-type: none"> • Certificate of Title (Registry copy and owner's copy) 	<ul style="list-style-type: none"> • Changes typed on owner's copy
3.7 Certificates of Title are returned to the Registrar for signature	<ul style="list-style-type: none"> • Certificate of Title (Registry copy and owner's copy) 	<ul style="list-style-type: none"> • Registrar's signature
3.8 The Registry copy of the Certificate of Title is returned to the clerk in charge of the strong room who files it.3.8 The Registry copy of the Certificate of Title is returned to the clerk in charge of the strong room who files it	<ul style="list-style-type: none"> • Certificate of Title (Registry copy) 	
3.9 Owner signs for owner's copy of the Certificate of Title	<ul style="list-style-type: none"> • Certificate of Title (Owner's copy) • Register 	<ul style="list-style-type: none"> • Register records: county (abbreviation); block no.; plot no.; instrument no.; transaction type; registry clerk's initials; name of person collecting documents; signature of person collecting documents; date of collection.

APPENDIX D

Land Registration, Leasehold Registry

Analysis of Document Flows: Registering a New Title

Department of Land Administration

Procedures	Records	Documentation Controls
1.1 Opens a file and instructs the preparation of a Lease Agreement	<ul style="list-style-type: none"> Letter giving instruction 	<ul style="list-style-type: none"> Signature and date

Leasehold Registry

2.1 Letter of instruction received and details recorded in Lodgement Book	<ul style="list-style-type: none"> Letter giving instruction Lodgement Book 	<ul style="list-style-type: none"> Lodgement Book records: serialised number (instrument number), date, time, nature of instrument, register/county/district (reference #/title #), volume, folio, information on taxes paid
2.2 File referred to action officer and movement recorded in movement book (the action officer may also have the messenger sign a book when he receives the document)	<ul style="list-style-type: none"> Letter giving instruction Movement Book 	<ul style="list-style-type: none"> Movement Book records: date, title number, transaction type, name of action officer, signature of action officer
2.3 Action officer verifies letter for typing and send it to the typing pool where two (2) copies of a Lease Agreement are typed and returned to the action officer for checking and assessing the tax payable.	<ul style="list-style-type: none"> Letter giving instruction Lease Agreement 	<ul style="list-style-type: none"> Signature on letter giving instruction NOTE: movement to and from typing pool not tracked Signature and amount of tax handwritten on document
2.4 Lease Agreement returned to registry where owner collects both copies	<ul style="list-style-type: none"> Lease Agreement – 2 copies 	

Cashier, Revenue Authority

3.1 Owner pays tax due	<ul style="list-style-type: none"> Lease Agreement – two copies 	<ul style="list-style-type: none"> Revenue Authority embosses document to signify payment
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‘Controlling Authority’ District Land Board (eg Kampala City Council)

4.1 Owner takes Lease Agreement to ‘controlling authority’ for signature approval	<ul style="list-style-type: none"> Lease Agreement – two copies 	<ul style="list-style-type: none"> Signature
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Leasehold Registry

5.1 Owner brings stamped and signed Lease Agreement to Registry for title making. Registry receives document and stamps and enters in Lodgement Book	<ul style="list-style-type: none"> Lease Agreement Lodgement Book 	<ul style="list-style-type: none"> Stamp recording time and date (Action officer will sign in 5.3) Lodgement Book records: serialised number (instrument number), date, time, nature of instrument, register/county/district (reference #/title #), volume, folio, information on taxes paid
5.2 File referred to action officer and movement recorded in movement book (the action officer may also have the messenger sign a book when he receives the document)	<ul style="list-style-type: none"> Lease Agreement Movement Book 	<ul style="list-style-type: none"> Movement Book records: date, title number, transaction type, name of action officer, signature of action officer
5.3 Action officer verifies, signs and forwards to typing pool where two (2) copies are typed	<ul style="list-style-type: none"> Certificate of Title – 2 copies Lease Agreement 	<ul style="list-style-type: none"> Typist records date of typing/issue on the certificate
5.4 One copy of the Certificate of Title is recorded in the Allocation Book in the Registry	<ul style="list-style-type: none"> Certificate of Title – Registry Copy Allocation Book 	<ul style="list-style-type: none"> Allocation Book records: sequential volume and folio number, plot number, street name, serial number from Lodgement Book (from action officer's stamp), owner information (name, address), action officer's initials, date of typing/issue
5.5 Lease Agreement and plan stapled in Certificate of Title and documents are referred to the action officer for signature (the action officer may also have the messenger sign a book when he receives the document)	<ul style="list-style-type: none"> Certificate of Title and supporting documents Movement Book 	<ul style="list-style-type: none"> Movement Book records: date, title number, transaction type, name of action officer, signature of action officer
5.6 Action officer signs the Certificate of Title and returns the signed document to the Registry	<ul style="list-style-type: none"> Certificate of Title: owner's and Registry copy 	<ul style="list-style-type: none"> Action officer's signature
5.7 Owner signs to collect the owner's copy and the receipt is kept with the Registry copy of the Certificate of Title	<ul style="list-style-type: none"> Collection Receipt (a blank piece of paper that the owner signs) 	<ul style="list-style-type: none"> Receipt contains: Title number, name, address, date and signature handwritten by owner
5.8 Registry opens a folio and files it		

LAND REGISTRATION, LEASEHOLD REGISTRY

Analysis of Document Flows: Processing Transactions

Leasehold Registry

Procedures	Records	Documentation Controls
1.1 Owner presents his/her copy of the Certificate of Title and relevant instrument/s.	<ul style="list-style-type: none"> Owner's copy of the Certificate of Title and instrument/s 	
1.2 Registry clerk searches for the file and records its removal in the Strong Room Book	<ul style="list-style-type: none"> Folio Strong Room Book 	<ul style="list-style-type: none"> Strong Room Book records: record file, date, volume, folio, name of action officer and date returned to the Strong Room (when the file is returned the entry is crossed out)¹⁴
1.3 Registry clerk records the folio and owner's Certificate and instruments in the Lodgement Book and assigns the transaction a serial number	<ul style="list-style-type: none"> Folio Owner's copy of the Certificate of Title Instrument/s Lodgement Book 	<ul style="list-style-type: none"> Lodgement Book records: serialised number, date, time, nature of the instrument, Register/County/District (Ref #/Title #), volume, folio, and information on taxes paid
1.4 Folio and document referred to action officer for approval – movement from Registry to action officer recorded in Movement Book (the action officer may also have the messenger sign a book when he receives the document)	<ul style="list-style-type: none"> Folio Owner's copy of the Certificate of Title Instrument/s Movement Book 	<ul style="list-style-type: none"> Movement Book records: date, title no., transaction type, action officer and his/her signature upon receipt
1.5 Action officer signs the documents and returns them to the Registry	<ul style="list-style-type: none"> Folio Owner's copy of the Certificate of Title Instrument/s 	<ul style="list-style-type: none"> Signature
1.6 Documents are taken to the typing pool where two copies of the transaction are typed and the documents are recorded in the memorial book	<ul style="list-style-type: none"> Folio Certificates of Title (2 copies) Instrument/s 	<ul style="list-style-type: none"> Memorial Book records: title #, plot #, road name, serial number from lodgement book, type of transaction, details of transaction (eg name of bank providing mortgage), action officer, date
1.7 Documents are taken to the action officer for signature and returned to the Registry afterwards	<ul style="list-style-type: none"> Folio Certificates of Title (2 copies) Instrument/s 	<ul style="list-style-type: none"> Action officer's signature
1.8 Owner's copies are kept on the desk of the Records Assistant I for collection	<ul style="list-style-type: none"> Certificate of Title, Owner's copy 	<ul style="list-style-type: none"> Owner's sign for documents when they are collected
1.9 Folio returned to Strong Room		

¹⁴ There are a number of outstanding queries not crossed out in the Strong Room Book. The explanation given was that the pressure of work prohibits their chasing files.

APPENDIX E

Automating the Index

It is recommended that an automated index be created and a printout produced regularly as a back up. The index should be based on block and plot or street and plot numbers and using the Certificates of Title as the basis for data entry.

The Government is moving toward the implementation of a Land Information System (LIS). However it is too early to anticipate what system will be implemented, for example a bespoke UNIX-based system or an off-the-shelf package such as MapInfo or ArcInfo or ArcView. There are a significant number of good LIS products on the market, this report is not advocating any particular LIS option. Options for automating the index should take account of compatibility as far as possible.

There are two options for automating the index. The first is to purchase TRIM Enterprise[®] from Tower Software[®]. The second is to develop a bespoke database using either Microsoft Access or Microsoft SQL Server with a Microsoft Access front-end. Access has a 250,000 record limit. If the database might exceed 250,000 records, a relational database management system (RDBMS) will be required, such as Microsoft SQL Server.¹⁵

TRIM[®] is a commonly used records management software package that facilitates the capture, registration, access and retrieval of information. For the purpose of the index it is recommended that the TRIM license be configured to include TRIM Enterprise[®] only, and that two 'seats' (ie 2 PCs) be purchased. The total license cost for 3 seats is US \$6,801 (one for KCC, and one each for the Freehold/Leasehold Registry and the Mailo Registry in the Ministry of Water, Land and the Environment). An annual maintenance fee of US\$1,020 makes the total cost for the first year US\$7,821, with a recurring cost of approximately US\$1,020 for annual maintenance. TRIM is currently being deployed to 60 Local Government sites in Uganda, including Kampala City Council. The World Bank is providing funding for this project, and ComputerLand, TOWER Software's Distributor in East Africa, is working in conjunction with the Ministry of Local Government on the implementation. TRIM meets the USA Department of Defense Records Management Applications Standard 5015.2 (<http://jltc.fhu.disa.mil/recmgt/#standard>) and is used in several US Government Departments. See Appendix # for a quotation and further information.

Both TRIM and Microsoft Access are compatible with MapInfo Professional. map2TRIM is an application which links MapInfo Professional GIS to the TRIM document management system. Landfile Consultancy Pty Ltd (<http://www.landfile.com.au>) developed this application.

MapInfo Professional can perform queries on MS Access database tables, retrieving any information within the database and in the same fashion that MS Access queries can be performed. In addition, MapInfo can perform spatial queries, retrieving information such as

¹⁵ All commercial RDBMS' can import Access tables. In addition to Microsoft SQL Server, major RDBMS' include Oracle, IBM's DB2, and Informix.

‘near’ or ‘within’ or ‘adjacent’. There is no requirement to import or migrate data to a land information system (LIS).

Access is the ‘native’ data storage application for ArcView 8.1. Any Access tables built prior to implementing a future GIS will be both readable and editable by ArcView, Arc Editor or ArcInfo 8.1. Furthermore, all extensions to ArcGIS, such as Spatial, 3D and GeoStatistical Analysts will be able to use Access tables as well. If Microsoft SQL Server is required, ArcGIS software can connect to it. This is done through ArcSDE, which can be added easily to the GIS software.

Microsoft Access costs US\$580/license (if purchased as part of Microsoft Office Professional Suite – Access alone cost US\$340) and Microsoft SQL Server 2000 Standard Edition costs US\$5000 for one PC. The cost of developing the database in Access or Microsoft SQL must also be considered, as well as the time required to develop, test and install the index.

The Uganda Computer Services (UCS) provides computing support to government and is located organizationally (for historical reasons) within the Ministry of Finance. Staff of the UCS have the capacity to develop an Access database or Microsoft SQL database with an Access front-end as required. Their services can be procured by writing to the Permanent Secretary to the Treasury, Ministry of Finance. The letter would need to inform the PS of the job required and the time frame involved. Development fees can be negotiated with the Commissioner for UCS, Ms Helen Anokbougo. It was estimated that it would take approximately 2 months to develop, test and install the database.

It is recommended that first consideration be given to TRIM as the software for automating the database. TRIM is an off-the-shelf package that can be customized relatively easily to the needs of the Kampala City Council (KCC) Land Registry. The local TRIM representatives (ComputerLand) would need to do a more comprehensive user analysis before committing to a specific time frame for customizing the index. However, this consultant estimates that this could be achieved in 6-8 weeks. ComputerLand can provide training and support for TRIM software in Kampala. Moreover, KCC is already using TRIM in its open registry (other districts are also using TRIM). Lastly, TRIM is compatible with leading off-the-shelf LIS. Tower Software is also willing to work with designers should a bespoke LIS option be pursued in future.

APPENDIX F

	LAND REGISTRY	
		FILE NO.
FILE NUMBER	<i>PLOT LOCATION</i>	

APPENDIX G

Shelving Requirements for the KCC Facility

- Foolsap file covers measure 9.75 high x 14.5 deep approximately.
- Custom acid-free archival boxes (flat pack) measure 13" wide x 3" high x 17" deep. It is assumed that 400 Certificates can be fit into a box, but *this will have to be tested*.
- The static and mobile shelving recommended by Link 51 is 85" high, 15" deep and 39" wide with adjustable shelves. A bay can accommodate 16.25 linear feet of files or 60 archival boxes.

Mailo Registry

If the total Mailo Holdings were to transfer to KCC:

Instruments = 876 linear feet and require 53.9 bays

Certificates = 500 boxes and require 9 bays

Growth = approximately 6 linear feet per year x 5 years = 1.8 bays

TOTAL BAYS: 65

If the total Mailo Holdings, minus the 'archives', were to transfer to KCC:

Instruments = 310 linear feet and require 19.1 bays

Certificates = 500 boxes and require 9 bays

Growth = approximately 6 linear feet per year x 5 years = 1.8 bays

If only those records estimated to belong to KCC only were to be transferred:

(assuming that 2/3 of the holdings belong to Mailo based on the number of Kampala Certificates x 4 to estimate the average the number of instruments)

Instruments = 206 linear feet and require 12.7 bays

Certificates = 333 boxes and require 6 bays

Growth = approximately 4 linear feet per year x 5 years = 1.2 bays

Leasehold Registry

NOTE: The volume of Leasehold folio was computed as follows: there are roughly 11,500 folio in the Land Inspectorate Land Registry that belong to KCC. Staff estimate a 3:1 average of land title files in the Leasehold Registry to the Land files in the Land Registry. If true, approximately 35,650 out of 72,500 Leasehold folio belong to KCC – or just under half of the 1,231 total linear feet of Leasehold Registry files.

Leasehold folio = an estimated 607 linear feet and require 37.4 bays

Growth = 5 linear feet per year x 5 years = 1.5 bays

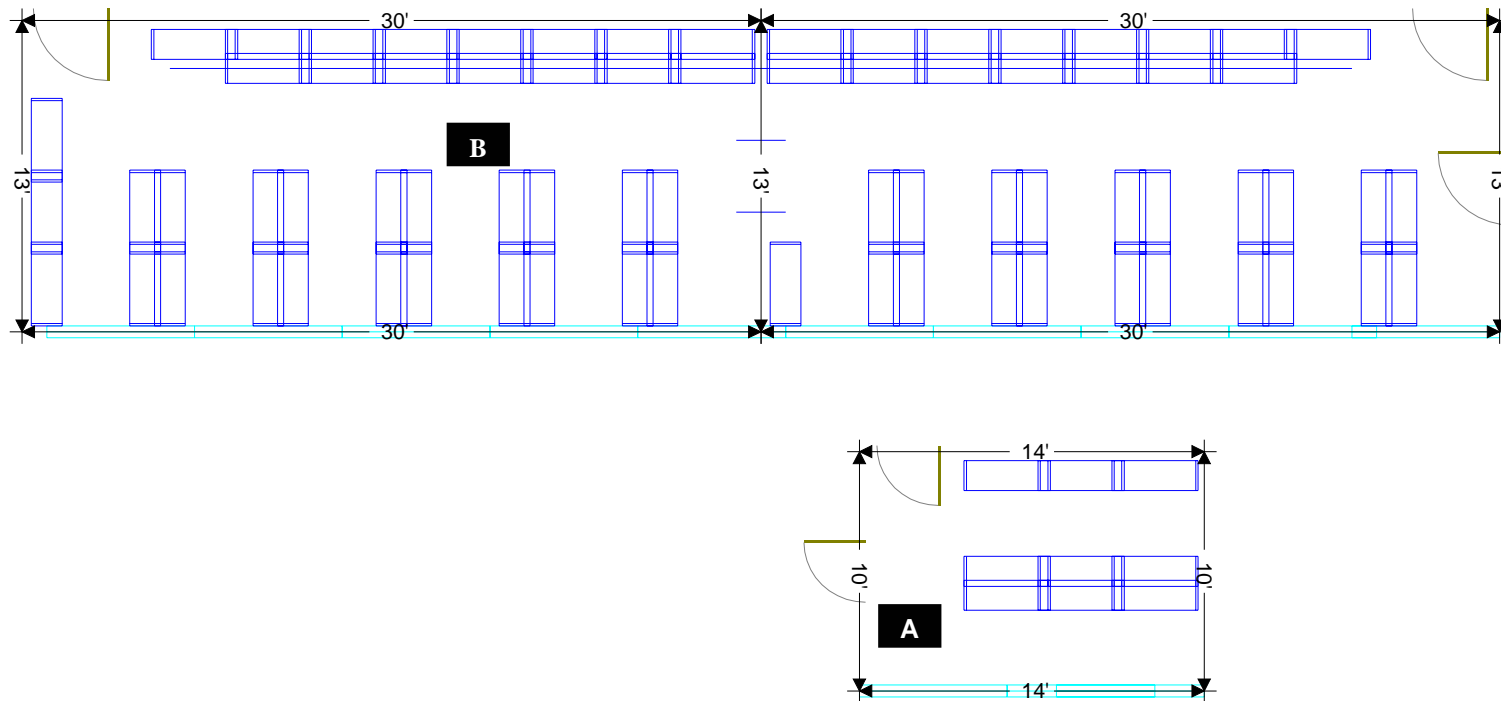
Freehold Registry

Estimating that half of the total 123 linear feet of Freehold folio belong to KCC.

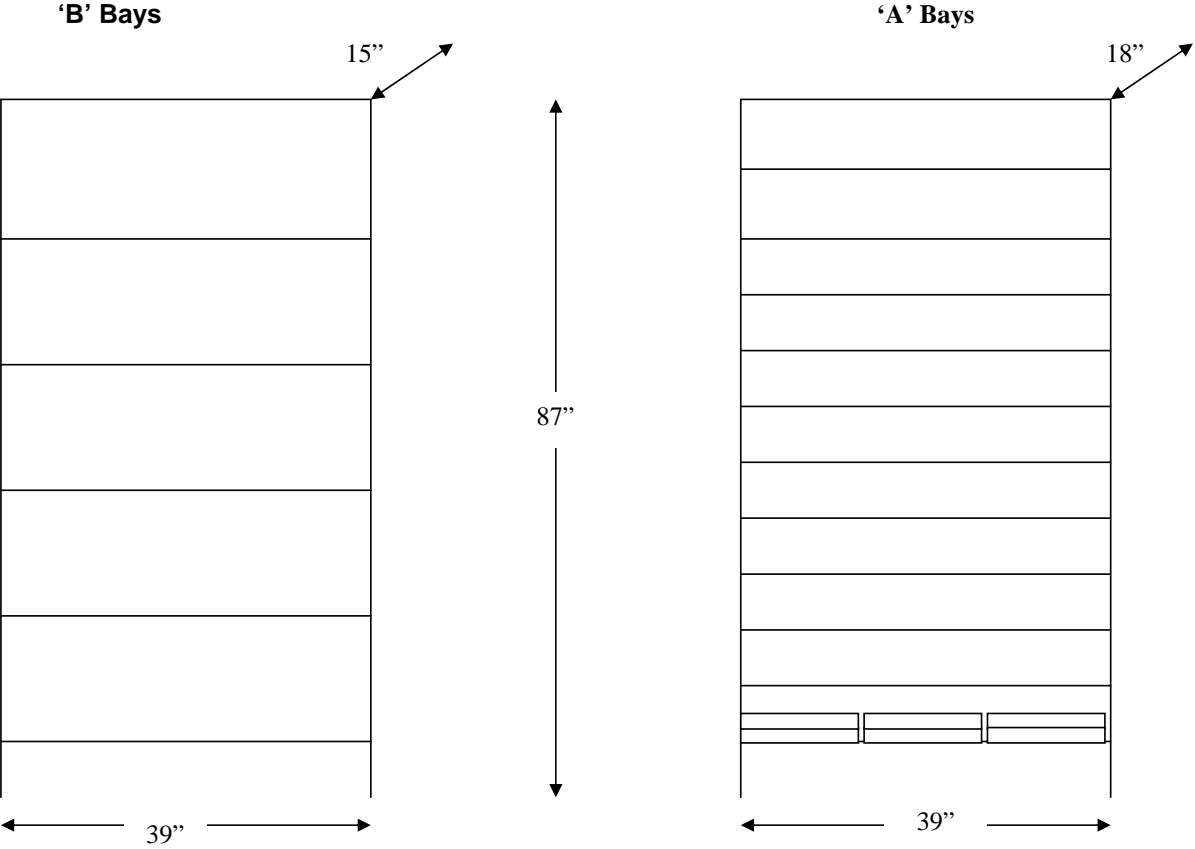
Freehold folio = an estimated 61.5 linear feet and require 3.8 bays

APPENDIX H

Kampala City Council Facility



There are approximately 2 feet between bays running perpendicular to the windows along the bottom of the drawing. There is a 3 foot aisle running between the static perpendicular bays and the mobile shelving along the wall. This is sufficient to run a cart along.



APPENDIX I

Work Plan GANTT Chart and Flow Chart

(See accompanying computer files 'Land Registry Appendix G.pdf' and Land Registry Flow Chart Appendix G.pdf')

Specific dates are not ascribed to the project plan. It is assumed that the USAID/SPEED project will determine when the program will begin. As a result, it is important to note that the following Project GANTT chart does not take account of public holidays.

The refurbishment, cleaning and equipping of the new facility is a key deliverable. It lays the groundwork for other activities. However, it is dependent upon the procurement of goods and equipment required.

This work program does not incorporate project management or logistics. It is assumed that these will be the responsibility of Chemonics and will be incorporated into the SPEED project planning process.

APPENDIX J

Commodities for the Land Registry

This is not a budget. A list of supplies required to rehabilitate the Land Registration Registry follows the outstanding issues described below. Quotes were requested from a number of potential suppliers in Kampala (see Appendix A). Quality varies widely if purchased locally. Alternative suppliers and prices are recommended where available. Some items, such as boxes and file folders will be bulky. Warehouse space for storage may be required.

Software Application for Index

ComputerLand (U) Ltd has supplied two quotations for supplying TRIM Enterprise, which should include customization, annual maintenance and training.

Option 1 includes facilities being provided and 'migration':

Qty	Description	Unit Price US\$	Total US\$
3	TRIM Enterprise Licenses for 3 seats (i.e., 3 computers)	2,267	6,801
1	Annual Maintenance Fee	1,020	1,020
8	Phase I training: Pre-TRIM basic computer skills taught to intermediate level Mon-Sat (6 days) 7 hrs/day	365	2,920
16	Phase II training: TRIM training to Intermediate Level Mon-Thurs (4 days) and customization of TRIM to Lands Registry on Friday.	430	6,880
1	Phase III training: Migration of 100 Manual Files per computer to TRIM (i.e., 300 files in total) Mon – Fri (5 days)	1,800	1,800

Phase I training is for the 8 registry staff, phases II and III include 8 casual workers in addition to the 8 registry staff.

The total cost of this Option 1 is US\$19,421.

Option 2 is for training and manuals only and ‘migration’. It assumes space for training will be provided elsewhere, for example at the Uganda Computing Services training facility.

Qty	Description	Unit Price US\$	Total US\$
3	TRIM Enterprise Licenses for 3 seats (i.e., 3 computers)	2,267	6,801
1	Annual Maintenance Fee	1,020	1,020
8	Phase I training: Pre-TRIM basic computer skills taught to intermediate level Mon-Sat (6 days) 7 hrs/day	165	1,320
16	Phase II training: TRIM training to Intermediate Level Mon-Thurs (4 days) and customization of TRIM to Lands Registry on Friday.	245	3,920
1	Phase III training: Migration of 100 Manual Files per computer to TRIM (i.e., 300 files in total) Mon – Fri (5 days)	1,800	1,800

Phase I training is for the 8 registry staff, phases II and III include 8 casual workers in addition to the 8 registry staff.

The total cost of this Option 1 is US\$14,861.

A third option would be to contract Uganda Computing Services (UCS) to provide the initial introduction to computers and introduction to Windows training in their facility and then contract ComputerLand to provide the TRIM training either at the UCS facility or at their own facility. UCS has standard courses on these topics to offer. The consultant has requested that UCS forward pricing information on the option to Mr Daryl Veal, Legal and Policy Advisor for SPEED.

Security Safe

A fire-proof security safe ought to be either identified in the building or purchased. The safe is required to store securely the backups of the index database. A fireproof safe can cost between US\$200-500 depending upon the model selected. It is likely that, if required, this can be purchased locally.

Shelving

If the KCC facility is to be viable, a mix of manual mobile and static shelving will need to be procured. To accommodate all of the Mailo records (minus the archives) and the estimated Freehold and Leasehold records, 28-30 manual mobile units, 43-44 static shelving bays both measuring 39xx15”x87” will be required to house the files and 9 static shelves measuring 39”x18”x87” are required to house the Mailo Certificates in archival boxes.

It is recommended that a UK company, Link 51, be used to provide shelving. The equivalent US company is Spacesaver, but this company failed to respond to enquiries. The consultant

will forward a quotation from Link 51 to Mr Daryl Veal, Legal and Policy Advisor to the SPEED project. For the purpose of obtaining an idea of price, a standard 3'x15"x87" shelf unit costs approximately US\$150/bay. The price quoted does not include shipping or installation. However, it is assumed that two Link 51 engineers will require a maximum of 5 working days at a fee rate of UK£400/day for the team to do the installation, test and make adjustments. Travel costs will vary according to the best available economy seat at the time of booking from London to Kampala. Subsistence will equate to Chemonics rates. . Link 51 is a major shelving company with an international department that can advise on shipping options and work with Chemonics to arrange shipment. It is estimated that units will be ready to ship within 1 month of the order being received.

GM Tumpeco, Ltd (a local Kampala company) quoted Ush 401,000/bay (US\$231) for a 3.5'x15"x85" static unit. The price should reduce depending upon volume purchased. GM Tumpeco does not stock metal shelving. Instead they will construct from scratch static shelving units to any specification. They are not recommended to provide manual mobile units as they have no experience in doing so. GM Tumpeco will likely struggle to fulfill the volume required in the time allowed because the units will have to be built one by one.

Printing and Publishing

The cost of producing training materials, procedural posters, maps of Kampala then and now and the manual is not quoted. It is impossible to know at this time what the size of these documents will be and therefore obtain a quotation.

Staffing

Records and Information Management Department, Ministry of Public Service;	A discussion should take place to address whether any compensation is required for seconding staff members' time.
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Casual workers:	Ush 21,000/day: 16,000 fee + 4,000 for food + 1000 for transport. The average government fee rate is 14,285/day (not including food and transport). It was suggested that payment ought to be slightly higher to attract the better casual workers. The number of workers that can be hired will depend upon the availability of space to process the records. Minimally 4 casual workers should be hired if space can be found to accommodate them. The office provided for SPEED consultants could used if permission were obtained.
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Registry Staff Incentives:	Ush 4000 – 5000/day for each day spent working on the file processing (this will be approximately 1 Company Registry staff member and 1 Document Registry staff member per day)
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Miscellaneous un-costed items

It is recommended that the following items should also be procured. Given their ready availability in Kampala, these have not been individually costed:

- Insecticide/vermin control (eg roach traps, insect poison, mouse traps etc)
- Writing instruments (wide permanent black markers, pens, pencils, erasers etc)
- Cleaning materials (dusters, broom, brushes, hand towels, etc)
- Smoke alarms.

A moving van will need to be arranged to transfer records to the new facility when the time comes.

ITEM	SUPPLIER	REMARKS	UNIT COST	QUANTITY	TOTAL COST LOCAL CURRENCY	TOTAL COST US\$
Computer/monitor/keyboard/cables/tape drive	MFI Office Solutions	Excluding 17% VAT + shipping	US\$ 1295	3	N/A	3885
Computer desktop security system	Guernsey	See catalogues numbers KMW-64162 and KMW-64163 for examples	US\$50/each	3	N/A	150
HP 1200 Laser Jet Printer	MFI Office Solutions	Excluding 17% VAT + shipping	US\$ 595	3	N/A	1785
Laser Jet Printer Cartridges	MFI Office Solutions	Excluding 17% VAT + shipping	US\$115	6	NA	690
UPS with surge protector	MFI Office Solutions	Excluding 17% VAT + shipping	US\$ 285	3	N/A	855
Extension cords with surge protector	Any office supply store	Excluding VAT – UK price for illustrative purposes. Assume source locally	UK £10	3	£20	45
Backup ¼ inch data cartridges	Any office supply store	Excluding VAT - UK price for illustrative purposes.	UK£10 for a pack of 5.	30	£300	420
File Folders	Uganda Printing and Publishing Corporation	Quoted on basis of an order of 83,000 Excludes VAT and delivery	Ush 1120	83,000	Ush 92,960,000	53,734 ¹⁶

¹⁶ It is likely that a US supplier can be sought who can print 83,000 Foolscap size file covers with a plastic integral three-part clip. However, it is important to note that a leading supplier in the UK has opted to forgo submitting a quotation because their current obligations will not allow them to devote minimally 4 months to produce an order

ITEM	SUPPLIER	REMARKS	UNIT COST	QUANTITY	TOTAL COST LOCAL CURRENCY	TOTAL COST US\$
Archival boxes for Mailo Certificates (fold-flat style with internal measurement of 430 x 350 x 76 mm)	Conservation Resources (UK) Ltd.	Prices excluding VAT and delivery. Price quoted is reduced as a result of quantity	UK£6.00	500	£3,000	4,500
Archival Tying Tape	Conservation by Design Ltd	Prices excluding VAT and delivery	UK £116.50 for pack of 40	2	£233	349.5
Storage boxes	Similar to Fellowes Bankers Box Storage Boses (Quick/Stor) found in the Guernsey catalogue. Ensuring that storage boxes can accommodate foolscap size files is critical. If US suppliers are not able to obtain correct size boxes, a UK supplier can be found.		N/A	600		Will vary
Mailroom trolley	Guernsey	AMC-SN39800 for an example	US\$250	1	N/A	250
Heavy duty plastic garbage bags	Any office supply store	Excluding VAT UK price for illustrative purposes. Assume will source locally	UK£31.50 for box of 100	20	£630	882
Dust masks	Amrat Ltd	Excluding VAT and delivery	Ush 25,000	20	Ush 500000	290
Warehouse coats	Amrat Ltd	Excluding VAT and delivery	Ush 39,000	24	936000	541

of this volume. It is advised that the Chemonics purchasing unit locate a US supplier as the quality of paper that UPPC is able to procure is likely to weaken on the fold. A sample should be obtained from a US printer for approval by the consultant.

SUPPLIER LIST

Amrat Limited
Kampala Road
PO Box 7437
Kampala
Uganda
Tel/fax: 344754

ComputerLand (U) Ltd
Plot 7
Porol Avenue
PO Box 24412
Kampala
Uganda
Tel. 348043/4
Fax: 348042
kmawji@starcom.co.ug

Conservation by Design Ltd
Timecare Works
5 Singer Way
Woburn Road Industrial Estate
Kempston
Bedford MK42 7AW
United Kingdom
Tel: + 44 (0)1234 853555
Fax: +44 (0) 1234 852334
<http://www.conservation-by design.co.uk>

Conservation Resources LCC
8000-H Forbes Place
Springfield
VA 22151
USA
Tel: 800 634 6932
Fax: 703 321 0629
Prices were obtained from Conservation Resources (UK), Ltd. +44 1865 747755

GM Tumpeco Ltd
Plot M224 Ntinda Road
PO Box 5571
Kampala
Uganda
Tel: 285851/838
Fax: 222605/235658
gm-tum@infocom.co.ug

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Email: mfikampala@mfios.com

Uganda Printing and Publishing Corporation
Airport Road
PO Box 33
Entebbe
Uganda
Tel: 041-320639, 320654
Fax: 041 320530